



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 1

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#### No. 1 — Tuesday, 21 December 2010

- 1 The Council met pursuant to the Proclamation of the Governor dated 3 December 2010, which was read by the Clerk and is as follows:

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#### CONSTITUTION ACT 1975

#### PROCLAMATION

I, David de Kretser, AC, Governor of the State of Victoria, acting under sections 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 21 December 2010 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-seventh Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

GIVEN under my Hand and the Seal of the State of Victoria,  
at Melbourne, this Third day of December 2010

DAVID DE KRETSER  
Governor

(L.S.)

By His Excellency's Command  
TED BAILLIEU, MP  
Premier

- 2 **INTRODUCTION OF COMMISSIONER** — The Honourable the Chief Justice, the Commissioner from the Governor appointed to open the Parliament, was introduced to the Council Chamber by the Usher of the Black Rod.

The Honourable the Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor has caused a Commission to be issued under the Seal of the State constituting me his Commissioner to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Clerk.

The Commission was then read and is as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC,  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE MARILYN WARREN, AC,  
CHIEF JUSTICE OF VICTORIA

AND

TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL,  
PRESIDENT OF THE COURT OF APPEAL

GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Fifty-seventh Parliament at 11.00 am in the morning of Tuesday, the twenty-first day of December 2010 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament.

GIVEN under my hand and the Seal of Victoria  
on this Twentieth day of December 2010.

DAVID DE KRETZER  
Governor

(L.S.)

By His Excellency's Command  
TED BAILLIEU  
Premier

Then the Honourable the Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor will attend the Parliament later this day to inform you of the reasons for calling this Parliament together, and as it is necessary before you proceed with business that a President of the Legislative Council be chosen, the Governor requests that you proceed to the choice of a President.

- 3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable the Chief Justice handed her Commission to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Clerk, who read the same as follows:

BY HIS EXCELLENCY DAVID DE KRETZER, AC,  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE MARILYN WARREN, AC,  
CHIEF JUSTICE OF VICTORIA

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the twenty-first day of December 2010, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the Seal of Victoria,  
on this Twentieth day of December 2010.

DAVID DE KRETZER  
Governor

(L.S.)

By His Excellency's Command  
TED BAILLIEU  
Premier

- 4 RETURNS TO WRITS** — The Clerk announced that a Writ issued under the hand of the Governor on 2 November 2010 for the election of Members to serve in each of 8 Regions had been received from the Governor, and by the endorsements on that Writ it appeared that the following Members had been elected:

For the Eastern Metropolitan Region —

Bruce Atkinson  
Richard Dalla-Riva  
Jan Kronberg  
Shaun Leane  
Brian Tee

For the Eastern Victoria Region —

Philip Davis  
Peter Hall  
Edward O'Donohue  
Johan Scheffer  
Matt Viney

For the Northern Metropolitan Region —

Greg Barber  
Nazih Elasmr  
Matthew Guy  
Jenny Mikakos  
Craig Ondarchie

For the Northern Victoria Region —

Candy Broad  
Kaye Darveniza  
Damian Drum  
Wendy Lovell  
Donna Petrovich

For the South Eastern Metropolitan Region —

Gavin Jennings  
Inga Peulich  
Gordon Rich-Phillips  
Adem Somyurek  
Lee Tarlamis

For the Southern Metropolitan Region —

Andrea Coote  
Georgie Crozier  
David Davis  
John Lenders  
Sue Pennicuik

For the Western Metropolitan Region —

Khalil Eideh  
Andrew Elsbury  
Bernie Finn  
Colleen Hartland  
Martin Pakula

For the Western Victoria Region —

David Koch  
David O'Brien  
Jaala Pulford  
Simon Ramsay  
Gayle Tierney

- 5 DECLARATION OF ALLEGIANCE** — Mr Atkinson, Mr Barber, Ms Broad, Mrs Coote, Ms Crozier, Mr Dalla-Riva, Ms Darveniza, Mr D.M. Davis, Mr P.R. Davis, Mr Drum, Mr Eideh, Mr Elasmr, Mr Elsbury, Mr Finn, Mr Guy, Mr Hall, Ms Hartland, Mr Jennings, Mr Koch, Mrs Kronberg, Mr Leane, Mr Lenders, Ms Lovell, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mr Ondarchie, Mr Pakula, Ms Pennicuik, Mrs Petrovich, Mrs Peulich, Ms Pulford, Mr Ramsay, Mr Rich-Phillips, Mr Scheffer, Mr Somyurek, Mr Tarlamis, Mr Tee, Ms Tierney and Mr Viney approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable the Chief Justice attested the Roll, and then withdrew.

- 6 ELECTION OF PRESIDENT** — The Clerk announced that the time had arrived for proceeding to the election of a President of the Council.

Mr D.M. Davis, addressing the Clerk, nominated Mr Bruce Atkinson to be President.

Mr Hall seconded the nomination.

Mr Atkinson, addressing the Clerk, indicated his acceptance of the nomination.

There being no further nominations, the Clerk declared Mr Atkinson to be elected President.

The Council then calling Mr Atkinson to the Chair, he was taken out of his place by Mr D.M. Davis and Mr Hall and conducted to the Chair; and, standing on the dais, he returned his acknowledgements to the Council for the high honour that had been conferred on him and then took the Chair of the President and read the prayer.

Mr D.M. Davis, Mr Lenders, Ms Pennicuik and Mr Hall then congratulated the President.

**7 ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Mr Lenders nominated Mr Matt Viney to be Deputy President.

There being no further nominations the President declared Mr Viney to be elected Deputy President.

The President announced that the Governor would be pleased to receive the President and Members of the Council in the Library of Parliament House at 2.00 p.m.

*[Sitting suspended from 11.32 a.m. until 2.30 p.m.]*

**8 APPROACH OF THE GOVERNOR** — The approach of the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

The Governor came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly, who having come with their Speaker, the Governor was pleased to speak as follows:

HONOURABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL

HONOURABLE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

I would like to acknowledge the traditional owners of the land on which we gather, the Kulin nation.

The general election on 27 November resulted in a change of government in Victoria. Following the election I commissioned the Leader of the Victorian Liberal Nationals Coalition, Mr Ted Baillieu, to form a government.

Accordingly, I have called you together on this day, the first session of the 57th Parliament, to outline the policy agenda and legislative intentions of this new government in its first term.

The government's agenda will be based upon the principles of responsibility, fairness and respect. The government will carry out its responsibilities with stability, dignity, certainty, and commonsense. Victorian families will be listened to and their interests in what matters to them will be respected and honoured. This will be a government of inclusion and transparency, a government for all Victorians and for all families.

The government will be focussed on fixing the problems to make a change for the better and build a positive future for Victorian families.

The government understands that there is great community concern about street violence and violent crime, regular failures in transport and health systems and increasing pressure on family budgets.

The government will meet these significant challenges by focussing on five goals for a stronger, fairer and safer Victoria.

**1. A GROWING ECONOMY**

The government is committed to building a stronger Victoria: a state of expanded opportunity and greater certainty, which leads the nation based on the energy of its economy, the cohesion of its society and the quality of its governance.

The government understands that rising living costs are hurting families and recognises that long-term youth unemployment can seriously undermine the economy. That is why

job creation and skills training for young Victorians will be a priority, and business investment will be strengthened to secure the jobs that Victorian families rely on.

#### **Financial management including the economy and innovation**

The government will work to build a stronger economy with sustained growth and commit to an annual minimum budget surplus of \$100 million. This commitment is made based on transparency, accountability and responsible financial management, and is part of a financially responsible management plan for the state's finances and a clear plan for debt management.

The government will manage Victoria's finances with a strong plan to deliver improved services and reduce waste. It will reduce the regulatory burden to improve Victoria's competitive position.

The government will cut stamp duty rates for first home buyers purchasing principal places of residence valued up to \$600,000, with the first home buyers grant and the bonus for new homes continued.

There will be a year round 17.5 per cent electricity price reduction for concession card holders and ambulance membership fees will be cut in half for all Victorians.

The fundamental purpose of the government in the economy is to foster the creation of wealth, products and jobs by individuals in the private sector, and encouraging innovation to help deliver sustainable prosperity through higher living standards and greater employment growth.

The government will reduce waste and use the savings to increase resources for community safety, schools, hospitals, and other public services year on year, allowing doctors, teachers, nurses and police officers to help Victorians in their daily lives.

A competitiveness report on the Victorian economy will examine state taxes and regulation, the quality and price competitiveness of Victoria's infrastructure services and our education and skills bases.

#### **Regional and rural Victoria**

The government will establish a \$1 billion Regional Growth Fund to support regional Victoria and create new prosperity, more opportunities and a better quality of life. The fund will deliver money over eight years to build and upgrade local services and infrastructure, invest in local skills and industries to promote jobs, and help local communities devise positive responses to disadvantage.

The government will introduce stamp duty relief for young farmers and reinstate funding for the Victorian Young Farmers organisation to encourage Victoria's young men and women to pursue a future in the food and fibre industry.

\$160 million will be invested into country roads and bridges to ease the burden on rural councils and \$100 million will be invested over the next four years to extend natural gas to encourage greater investment across regional Victoria and reduce energy costs for Victorian families.

## **2. SERVICES THAT WORK**

### **Transport**

During its first term, the government will begin the process of rebuilding the public transport network. Significant investment and a clear plan are needed to meet future growth in commuter numbers.

The government will create a new independent public transport authority – the Victorian Public Transport Development Authority – to integrate the current multiple public transport agencies and authorities and administer all metropolitan trams, buses and trains and regional trains and buses.

The government will invest \$900 million for rail asset renewal and maintenance, including a new \$100 million Maintaining Our Rail Network Fund administered by the Victorian Public Transport Development Authority, to increase maintenance of tracks, points, ballast and other rail network basics so that passenger comfort will be improved and reliability increased.

The government will purchase new trains for the Melbourne suburban network to move more passengers during peak hour in safety and comfort and allow for more frequent services on Melbourne's suburban lines.

In addition, the government will plan a rail link to run from the city to Melbourne Airport. The government will also start building a new rail line to link Avalon Airport to Melbourne and Geelong and secure Avalon's future as Victoria's second international airport.

The government will make the public transport system safer through its \$200 million four-year Stopping Crime in its Tracks plan. One hundred additional Victoria Police Officers will be recruited to join the Transit Safety Division, bringing to 350 the total number of officers patrolling the entire train, tram and bus networks at all times. The government will also put 940 Victoria Police Protective Services Officers on the train system – on every train station in metropolitan Melbourne and the major regional centres from 6pm to the last train, seven days a week.

### **Community safety**

The government will deal with serious crime in this state, so that individuals and families can feel safe on the streets and in their own homes. This commitment will put more police on the streets, introduce a zero-tolerance approach to enforcement and bring sentencing more in line with community expectations.

The number of frontline police will be boosted by an additional 1,700 recruits in the government's first term. This unprecedented investment in policing will protect communities across Victoria and will be the largest single increase in frontline police numbers over one term of government in the history of Victoria.

The government will also introduce tough new offences to specifically target violent and aggressive behaviour, particularly around licensed venues.

Violent drunks will be banned from licensed premises for two years. Venues that do not comply will be shut down with tough new liquor licensing laws that punish repeat offenders with automatic licence suspensions through a demerit points scheme, while good venues will be rewarded. The government will also focus on young people and binge drinking including the introduction of legislation to control the secondary supply of alcohol.

The government's commitment to community safety will also bring sentencing more in line with community expectations. The government will abolish suspended sentences, end existing home detention laws, reform the law of double jeopardy, crush the cars of repeat hoon drivers and enforce a strong zero-tolerance approach to hoon driving.

Baseline minimum sentencing will be introduced for serious crimes and thugs who inflict gross violence on their victims will face at least four years in jail.

The government will invest in Victoria's prison capacity to ensure that those who commit violent and other serious crimes can be securely housed in Victoria's prisons.

These reforms are significant, wide-ranging and practical approaches to making Victorians feel safe again.

### **Planning**

The government will actively plan for Melbourne's future growth, consult with the community, and develop opportunities for new housing in growth areas, activity centres and through urban renewal.

The government will establish a new Urban Renewal Authority to identify inner urban areas that may be suitable for large scale urban renewal, and then manage the transition of these areas to a mostly residential base.

The government will establish a mechanism for urban renewal in urban areas that traditionally have an industrial base but can accommodate change similar to the Docklands, to take the pressure for high density development off many existing suburbs.

The government will allow the adjustment of the Urban Growth Boundary in growth areas to accommodate logical inclusions and will develop a population strategy for all of Victoria, not just for Melbourne. Importantly the government will protect the heritage character of Victoria.

**Health**

The government is committed to fixing Victoria's health system and reducing waiting lists. Through a \$1 billion Health Infrastructure Fund provided from the sale of electronic gaming machine licences, public hospitals will get more beds and better facilities. Patients will be better informed, with real-time waiting list and hospital figures to be available online, making hospital waiting lists more accessible and transparent.

The government will produce a state-wide health plan, build better health facilities in Melbourne and rural and regional Victoria, upgrade or replace a range of ambulance stations, as well as boosting ambulance and Mobile Intensive Care Ambulance paramedic numbers, to reduce delays.

With mental illness touching every Victorian household in some way and one in five Victorians likely to suffer from a mental illness at some stage in their lives, the government will ensure that Victorians with a mental illness in rural and metropolitan areas receive appropriate inpatient and community-based care.

The government will also support early intervention youth mental health initiatives and establish three new mother and baby units in regional Victoria for women with post natal depression.

**Education**

The government will provide the best possible education standards and facilities for all students, giving parents choice and ensuring first-rate teachers are valued and given the support they need. Independent and Catholic schools will also be supported for the important role they play in the system.

The government will recruit additional mathematics and science teachers, and 400 teaching scholarships will be offered to science graduates. The government will also fund a major expansion of language education in primary and community language schools because it recognises that fluency in languages is important to build Victoria's future.

The government will fund an additional 150 Primary Welfare Officers to provide early diagnosis and referral for students with behavioural, mental health and welfare problems.

The government will also give principals and school communities greater decision-making power in how they run their schools effectively.

**Community services**

The government recognises the critical importance that community services play in caring for Victoria's most vulnerable individuals and their families and is committed to providing effective, efficient and responsive community services.

The government will undertake a comprehensive judicial review of Victoria's child-protection system. The review will assess the system, examine all reports and reviews made to date and engage with service providers, child-protection workers, families and young people, to identify the key gaps and recommend key strategies to fix the problems.

The government will also initiate new approaches towards preventing the abuse of children and supporting vulnerable young people in out of home care.

The government will provide leadership in the coordination of mental health, drug and alcohol services, child-protection, family violence and education services to deliver a holistic approach to supporting at-risk children, young people and families.

The government will lead and drive the implementation of a new National Disability Insurance Scheme to ensure that people with a disability and their families and carers have the lifetime support they need.

**3. STRONG FAMILIES AND VIBRANT COMMUNITIES**

The government is dedicated to building a fairer Victoria, where every citizen has a real stake in this state's future. The government will invest in events to benefit the whole of Victoria and attract investment and jobs across the state. Coalition governments have pioneered major events in Victoria and the government will once again focus on creating an events schedule with wide community appeal.

The government has committed to a major investment in the Bendigo Showgrounds, Discovery Centre and Queen Elizabeth Oval, as well as securing the future of the Stawell Gift and boosting Ballarat Cup Day. Victoria's major events need a renewed focus to ensure opportunities for small business and the community are maximised, to share in the success of the state's sports, arts and cultural program.

#### **Multicultural Victoria**

The focus of the government's multicultural policy will be providing world-class services, in a culturally sensitive and appropriate manner, that recognises the needs and aspirations of all Victorians to participate fully in society. The government will revolutionise language education in Victoria by creating one of the world's most diverse and effective Languages Other Than English programs.

#### **Veterans' Affairs**

The government recognises the enormous role veterans have played in safeguarding our democracy. The year 2014 will mark 100 years since the start of World War I. As that date approaches, the Liberal Nationals Coalition will be working with veterans' organisations and the community to identify the best way to commemorate that anniversary.

#### **Arts**

The government will support Victoria's thriving, innovative, unique and prosperous arts and cultural sector. It will restore the Victorian College of the Arts' funding shortfall and ensure its long term future. Links will be built between Victoria and the thriving Bollywood film industry. Regional arts will also get a funding boost with a \$14 million investment.

#### **Bushfire response**

The government will ensure that the 173 people who lost their lives on Black Saturday are never forgotten. The government will deliver a safer Victoria by implementing all of the 67 Bushfires Royal Commission final recommendations.

A range of initiatives will be introduced to support bushfire-affected businesses and economies. The government will ensure that bushfire prevention is made a basic, year-round role of government.

Bushfire prevention will be made a core component of the State Budget process and considered, along with education and health, as a priority area for funding initiatives.

### **4. SECURE WATER AND A HEALTHY ENVIRONMENT**

The government will support a range of practical measures to deliver commonsense environmental improvements.

#### **Water**

The government understands the challenges food producers face when water allocations are low. Water is the lifeblood of regional communities and the government will make the changes necessary to ensure the water needs of all Victorians are adequately met.

The government will make sweeping changes to the management of rural water in Victoria and establish water substitution targets for 2015, 2020 and 2030 to reduce demand on Melbourne's potable water supplies.

The government will hold an independent judicial inquiry to investigate the probity of decision making in the implementation of the Food Bowl project and the North-South Pipeline and the social, economic and environmental impacts this project is having on communities throughout Northern Victoria. It will phase out Melbourne's reliance on the North-South Pipeline, using it only for critical human needs, and will continue to listen to communities opposed to the Guide to the proposed Basin Plan.

#### **Energy and resources**

Victoria faces new energy challenges, including the need to avoid the threat of increasing blackouts, increasing price pressures, a need to secure new generating plants and upgrading the reliability of electricity transmission and distribution. The government will also work to promote cleaner coal generation while supporting renewable and other lower emission energy sources.

The government is committed to providing an affordable, reliable and sustainable energy supply for Victorians and fostering the efficient and responsible operation of Victoria's earth resource sectors.

#### **Agriculture and the environment**

The government recognises the enormous contribution our technologically advanced and highly productive farm industries make to the state. Agriculture and associated food processing industries employ nearly 20 per cent of all workers in Victoria and make a huge contribution to the state's economy.

The government has identified specific initiatives for the future development and enhancement of Victoria's diverse and dynamic food and fibre producing sector.

The government will restore the Department of Primary Industries to its status as a major government department.

### **5. GOVERNMENT YOU CAN TRUST**

The government will set new standards on integrity, accountability and transparency. The government will act immediately to establish an independent broad-based anti-corruption commission, which will work to investigate misconduct and corruption across government.

Freedom of Information will be significantly strengthened and made more transparent through the appointment of an independent Freedom of Information Commissioner, whose office will oversee the administration of FOI.

Another major reform will be to advertising standards. The government will end the use of taxpayers' funds for self-promoting party-political advertising, introduce clear principles that all government advertising must comply with, and establish an Independent Government Advertising Review Panel to oversee, scrutinise and approve taxpayer-funded advertising to ensure that it accords with those principles.

I now formally open this Parliament, and pray that God may guide your deliberations.

**Professor David de Kretser AC**  
**Governor of Victoria**  
21 December 2010

A copy of the Governor's speech was then delivered to the President, and a copy to the Speaker, and the Governor withdrew from the Council Chamber.

The Legislative Assembly withdrew.

*[Sitting suspended from 3.22 p.m. until 5.04 p.m.]*

**9** The President resumed the Chair.

**10 RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had presented himself to the Governor as the choice of the Legislative Council, and that the Governor had addressed him as follows:

President

I have pleasure in congratulating you on your election to the high and distinguished office of President of the Legislative Council.

The able manner in which you have discharged the duties you have undertaken during your Parliamentary career is recognised by the Members of the Legislative Council who in their wisdom have selected you as their President.

I have confidence that you will fulfill the duties of this important office and hold fast to its traditions and customs.

David de Kretser  
Governor of Victoria

Melbourne  
21 December 2010

- 11 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Clerk, and is as follows:

BY HIS EXCELLENCY DAVID de KRETSER, AC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE BRUCE ATKINSON,  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria on this Twenty-first day of December 2010.

DAVID DE KRETSER  
Governor

(L.S.)

By His Excellency's Command  
TED BAILLIEU  
Premier

- 12 ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Ms Georgie Crozier  
Mr Khalil Eideh  
Mr Nazih Elasmara  
Mr Bernie Finn  
Mr David O'Brien  
Ms Sue Pennicuik  
Mr Simon Ramsay and  
Mr Lee Tarlamis

to be Acting Presidents whenever requested to do so by the President or Deputy President.

Given under my hand this Twenty-first day of December 2010.

BRUCE ATKINSON  
President of the Legislative Council

- 13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**AMBULANCE RESPONSE TIMES** — Mr D.M. Davis having given an answer to a supplementary question without notice relating to ambulance response times —  
On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.

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

Border Groundwaters Agreement Review Committee — Report, 2009-10.

Budget Update, 2010-11.

Confiscation Act 1997 — Report, 2009-10, from the Chief Commissioner of Police pursuant to section 139A of the Act.

Estate Agents Act 1980 — Notice of approval of registered education and training organisations under section 10C(1) of the Act.

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 111 and 127.

- Notice pursuant to section 32(3) in relation to the Waste Management Policy (Used Packaging Materials).
- Notice pursuant to section 32(4) in relation to the Waste Management Policy (Siting, Design and Management of Landfills).
- Land Acquisition and Compensation Act 1986 — Minister's certificate of 19 October 2010 pursuant to section 7(4) of the Act.
- Major Sporting Events Act 2009 — Major sporting event order of 26 October 2010 in relation to the 2010 Australian Masters Golf Tournament.
- Ombudsman — Report on Investigation into the issuing of infringement notices to public transport users and related matters, December 2010.
- Planning and Environment Act 1987 —
- Notices of Approval of the following amendments to planning schemes:
- Ararat Planning Scheme — Amendment C14 Part 2.
  - Ballarat Planning Scheme — Amendment C139.
  - Banyule Planning Scheme — Amendments C60, C63, C75 and C95.
  - Bass Coast Planning Scheme — Amendment C113.
  - Bayside Planning Scheme — Amendment C93.
  - Boroondara Planning Scheme — Amendments C90, C117 and C133.
  - Brimbank Planning Scheme — Amendments C122 and C139.
  - Cardinia Planning Scheme — Amendments C130, C139, C140, C142 and C145.
  - Casey Planning Scheme — Amendment C127.
  - Central Goldfields Planning Scheme — Amendment C20.
  - Darebin Planning Scheme — Amendments C107 and C119.
  - East Gippsland Planning Scheme — Amendment C95.
  - Frankston Planning Scheme — Amendments C64 and C68.
  - Glenelg Planning Scheme — Amendments C50 and C54.
  - Golden Plains Planning Scheme — Amendment C52.
  - Greater Bendigo Planning Scheme — Amendment C119.
  - Greater Dandenong Planning Scheme — Amendments C112, C121 and C126.
  - Greater Geelong Planning Scheme — Amendments C146, C163, C168, C169, C195, C200, C232 and C235.
  - Greater Shepparton Planning Scheme — Amendment C126.
  - Hepburn Planning Scheme — Amendment C47.
  - Horsham Planning Scheme — Amendment C41.
  - Hume Planning Scheme — Amendments C120, C144, C145 and C146.
  - Kingston Planning Scheme — Amendment C115.
  - Knox Planning Scheme — Amendments C48, C86 and C94.
  - Latrobe Planning Scheme — Amendment C14.
  - Macedon Ranges Planning Scheme — Amendments C68 and C76.
  - Manningham Planning Scheme — Amendments C55, C89 and C91.
  - Mansfield Planning Scheme — Amendment C21.
  - Maribyrnong Planning Scheme — Amendment C96.
  - Melbourne Planning Scheme — Amendments C141, C157, C164, C174 and C175.
  - Melton Planning Scheme — Amendments C82, C84 Part 1, C104 and C105.
  - Mildura Planning Scheme — Amendments C52, C55, C57, C62 and C70.
  - Mitchell Planning Scheme — Amendment C74.
  - Monash Planning Scheme — Amendments C89 and C99.
  - Moonee Valley Planning Scheme — Amendment C103.
  - Moorabool Planning Scheme — Amendment C40.
  - Moreland Planning Scheme — Amendment C109.
  - Mornington Peninsula Planning Scheme — Amendments C86, C134, C141 and C149.
  - Mount Alexander Planning Scheme — Amendment C58.
  - Moyne Planning Scheme — Amendments C36 and C45.
  - Murrindindi Planning Scheme — Amendments C28 and C33.
  - Nillumbik Planning Scheme — Amendment C69.

Northern Grampians Planning Scheme — Amendment C33.  
 Southern Grampians Planning Scheme — Amendment C21.  
 Stonnington Planning Scheme — Amendments C78, C116, C125, C126 and C140.  
 Surf Coast Planning Scheme — Amendment C49.  
 Swan Hill Planning Scheme — Amendment C36.  
 Victoria Planning Provisions — Amendments VC74, VC75 and VC76.  
 Wangaratta Planning Scheme — Amendment C37.  
 Wellington Planning Scheme — Amendment C65 Part 1.  
 West Wimmera Planning Scheme — Amendment C21.  
 Whittlesea Planning Scheme — Amendments C58, C131, C140 and C149.  
 Wodonga Planning Scheme — Amendment C69.  
 Wyndham Planning Scheme — Amendment C130.  
 Yarra Planning Scheme — Amendments C109, C116, C126 and C136.  
 Yarra Ranges Planning Scheme — Amendment C90 Part 2.  
 Yarriambiack Planning Scheme — Amendment C15.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — No. 128.  
 Bail Act 1977 — No. 121.  
 Bus Safety Act 2009 — No. 110.  
 Children, Youth and Families Act 2005 — No. 105.  
 Conveyancers Act 2006 — No. 107.  
 County Court Act 1958 — No. 146.  
 County Court Act 1958 — Civil Procedure Act 2010 — No. 145.  
 Crown Proceedings Act 1958 — No. 120.  
 Drugs, Poisons and Controlled Substances Act 1981 — Nos. 130 and 131.  
 Electricity Safety Act 1998 — No. 111.  
 Fair Trading Act 1999 — No. 124.  
 First Home Owner Grant Act 2000 — No. 138.  
 Fisheries Act 1995 — No. 118.  
 Gambling Regulation Act 2003 — No. 129.  
 Legal Profession Act 2004 — No. 123.  
 Liquor Control Reform Act 1998 — No. 125.  
 Magistrates' Court Act 1989 — Nos. 122, 140 and 141.  
 Metropolitan Fire Brigades Act 1958 — No. 126.  
 Mineral Resources (Sustainable Development) Act 1990 — No. 108.  
 Motor Car Traders Act 1986 — No. 101.  
 Port Management Act 1995 — No. 115.  
 Prostitution Control Act 1994 — No. 106.  
 Rail Safety Act 2006 — No. 114.  
 Residential Tenancies Act 1997 — No. 132.  
 Road Safety Act 1986 — Nos. 116, 134, 135, 136 and 137.  
 Subordinate Legislation Act 1994 — Nos. 103, 104 and 112.  
 Supreme Court Act 1986 — Nos. 100, 142, 143 and 144.  
 Surveying Act 2004 — No. 102.  
 Tobacco Act 1987 — No. 113.  
 Transport (Compliance and Miscellaneous) Act 1983 — No. 133.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 117.  
 Victorian Energy Efficiency Target Act 2007 — Nos. 109 and 127.  
 Water Act 1989 — No. 139.  
 Working with Children Act 2005 — No. 119.  
 Subordinate Legislation Act 1994 —  
 Ministers' infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 101, 107 and 134.  
 Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 94, 100, 103 to 105, 112, 117, 126 and 140 to 146.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 97, 98, 101, 102, 106 to 109, 113, 114, 116, 118 to 122, 124, 128, 131 to 137 and 139.

TAFE Development Centre — Minister's report of receipt of 2009-10 report.

Victorian Law Reform Commission — Final Report on the Review of the Property Law Act 1958.

Water Act 1989 — Yarram Water Supply Protection Area Groundwater Management Plan 2010.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

\* \* \* \* \*

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

Civil Procedure Act 2010 — 1 January 2011 (*Gazette No. G41, 14 October 2010*).

Confiscation Amendment Act 2010 — Part 1, sections 4(1), 4(3), 5, 7, 14(1), 14(3), 15, 20 to 23, 28, 30, 32, 33 and Part 4 (except sections 70(1), 70(2) and 70(3)) — 1 November 2010 (*Gazette No. G43, 28 October 2010*).

Consumer Affairs Legislation Amendment Act 2010 — Remaining provisions of Part 3 and sections 42, 44, 52, 53, 62, 64 to 67, 71, 72 and 74 — 1 November 2010; section 60 — 1 December 2010; remaining provisions of Part 5 (except sections 33 and 36) — 1 January 2011 (*Gazette No. G41, 14 October 2010*).

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Part 3, Part 5 (except sections 35(1)(c), 36, 38 to 40, 46, 47(2) and 47(3)), Part 6 (except section 55), section 58, Part 8 (except sections 63 and 64), Part 9 (except sections 70, 71 and 72(2)), Part 11 and section 76 — 1 November 2010; sections 46, 77(3), 79 and 80 — 1 January 2011 (*Gazette No. G41, 14 October 2010*).

Energy and Resources Legislation Amendment Act 2010 — Parts 1, 2 and 4 to 9 (except section 85) — 14 October 2010; Part 3 (except section 36) — 21 October 2010 (*Gazette No. G41, 14 October 2010*).

Firearms and Other Acts Amendment Act 2010 — Part 1, sections 3(1) (except paragraphs (a) and (c)), 4, 17, 19, 21, 23, 28 and Parts 4 to 6 — 1 November 2010 (*Gazette No. G43, 28 October 2010*).

Gambling Regulation Amendment (Licensing) Act 2010 — Section 20 — 1 January 2011 (*Gazette No. G42, 21 October 2010*).

Gambling Regulation Further Amendment Act 2009 — Sections 4(3), 19(1) and 121 — 19 October 2010; sections 12 to 16, 21 to 24 and 108 to 110 — 1 January 2011 (*Gazette No. S424, 19 October 2010*).

Justice Legislation Amendment Act 2010 — Remaining provisions (except sections 9, 13, 16, 18 to 22 and 25 to 27) — 1 January 2011 (*Gazette No. G43, 28 October 2010*).

Justice Legislation Further Amendment Act 2010 — Part 8 (except sections 36, 38(3), 38(4) and 42 to 44) — 12 October 2010 (*Gazette No. S415, 12 October 2010*); Part 7 — 28 October 2010; Divisions 3 and 7 of Part 5 — 1 November 2010; Part 10 — 1 November 2010 (*Gazette No. G42, 21 October 2010*); Divisions 2 and 8 of Part 5 — 28 October 2010; Part 4 — 1 January 2011; Division 1 of Part 5 — 1 January 2011 (*Gazette No. G43, 28 October 2010*).

Liquor Control Reform Amendment Act 2010 — Sections 1 to 3, 4(3), 7, 8, 12 to 16, 20, 21(1), 22 to 27 and 29 — 1 November 2010; remaining provisions — 1 January 2011 (*Gazette No. G40, 7 October 2010*).

Mineral Resources Amendment (Sustainable Development) Act 2010 — Part 1, sections 37, 41, 42 and 51, Parts 4 and 5 — 14 October 2010 (*Gazette No. G41, 14 October 2010*).

Personal Safety Intervention Orders Act 2010 — Part 1, Division 1 of Part 14 and sections 222 to 224 — 1 December 2010 (*Gazette No. G41, 14 October 2010*).

Primary Industries Legislation Amendment Act 2009 — Sections 9, 10 and 18 — 1 October 2010 (*Gazette No. S398, 30 September 2010*).

Road Legislation Miscellaneous Amendments Act 2010 — except sections 5, 14, 21, 23 and 24(3) — 1 November 2010; section 24(3) — 25 October 2010; sections 14 and 21 — 12 December 2010 (*Gazette No. G42, 21 October 2010*).

Transport Accident and Accident Compensation Legislation Amendment Act 2010 — Sections 21 to 23, 50, 51 and 80 to 84 — 1 November 2010 (*Gazette No. G43, 28 October 2010*).

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 3, 10, 12 to 14 and Part 4 — 1 November 2010; sections 20(5) and 22(4) — 31 December 2010 (*Gazette No. G42, 21 October 2010*).

Water Amendment (Victorian Environmental Water Holder) Act 2010 — Sections 1, 2, 9 to 12 and 24 to 27 — 28 October 2010 (*Gazette No. G43, 28 October 2010*).

**15 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The President reported the Speech of the Governor on the Opening of Parliament.

Mr Elsbury moved, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Mr O'Brien seconded the motion.

Debate ensued.

On the motion of Mr O'Donohue, the debate was adjourned until the next day of meeting.

**16 ADJOURNMENT** — Mr Hall moved, That the Council, at its rising, adjourn until Tuesday, 8 February 2011.

Question — put and agreed to.

Mr Hall moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.29 p.m., adjourned until Tuesday, 8 February 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 2, 3 and 4

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#### No. 2 — Tuesday, 8 February 2011

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE JOHN GOULD MILES** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 29 December 2010, of Mr John Gould Miles, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Templestowe Province from 1985 to 1992.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **FLOODS CRISIS** — Mr D.M. Davis moved, by leave, That this House —
  - (1) notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia, and multiple events in Victoria;
  - (2) expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular our farming communities – many of whom still remain isolated;
  - (3) notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
  - (4) notes the ready response of the Australian Defence Force and Federal Government agencies to the Victorian Government's requests for emergency assistance;
  - (5) sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the SES, CFA, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the VFF, VECCI and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
  - (6) commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
  - (7) undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future.

Debate ensued.

Question — put and agreed to.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **COUNCIL STANDING COMMITTEES** — The President announced that he had received nominations for membership of the Council Standing Committees from the party leaders.

Mr D.M. Davis moved, by leave, That —

- (1) Members be appointed to the Standing Committees as follows:

**Economy and Infrastructure Legislation Committee**

Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee**

Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee**

Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Environment and Planning References Committee**

Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee**

Ms Crozier, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mr Pakula, Mrs Petrovich and Mr Viney.

**Legal and Social Issues References Committee**

Ms Crozier, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mr Pakula, Mrs Petrovich and Mr Viney.

- (2) Each committee hold its first meeting on Wednesday, 9 February 2011 at 8.00 p.m. or earlier at the conclusion of the sitting of the Council.

Question — put and agreed to.

6 **PAPERS** —

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — MANUFACTURING IN VICTORIA** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Economic Development and Infrastructure Committee's Report on Manufacturing in Victoria.

\* \* \* \* \*

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

Australian Health Practitioner Regulation Agency — Report, 2009-10.

Crown Land (Reserves) Act 1978 —

Minister's Order of 13 January 2011 giving approval to the granting of a lease at Bells Beach Surfing and Recreation Reserve.

Minister's Order of 29 January 2011 giving approval to the granting of a licence at Phillip Island Nature Park Reserve.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 110/2010.

Major Sporting Events Act 2009 — Major sporting event order pursuant to section 7(1) of 20 December 2010 in relation to key cricket matches to be played from 2010 to 2015.

- Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, February 2011 and Summary of Variations notified between 15 September 2010 and 7 February 2011.
- Office of Police Integrity — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2009-10.
- Ombudsman — Report on the Investigation into allegations of improper conduct by a councillor at the Hume City Council, February 2011.
- Planning and Environment Act 1987 —  
Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme — Amendment C15.
  - Campaspe Planning Scheme — Amendment C64.
  - Casey Planning Scheme — Amendments C126, C139 and C144.
  - Colac Otway Planning Scheme — Amendment C12.
  - Darebin Planning Scheme — Amendment C120.
  - East Gippsland Planning Scheme — Amendment C91.
  - Frankston Planning Scheme — Amendment C70.
  - French Island and Sandstone Island Planning Scheme — Amendment C2.
  - Glen Eira Planning Scheme — Amendment C77.
  - Glenelg Planning Scheme — Amendments C58, C59 and C62.
  - Greater Geelong Planning Scheme — Amendments C193, C194, C219 and C224.
  - Greater Shepparton Planning Scheme — Amendments C141 and C144.
  - Hobsons Bay Planning Scheme — Amendment C68.
  - Horsham Planning Scheme — Amendment C52.
  - Hume Planning Scheme — Amendments C111 and C141.
  - Kingston Planning Scheme — Amendments C99 and C110.
  - Knox Planning Scheme — Amendments C54 and C97.
  - Latrobe Planning Scheme — Amendment C40.
  - Melbourne Planning Scheme — Amendments C158 and C181.
  - Moira Planning Scheme — Amendment C55.
  - Moreland Planning Scheme — Amendments C92, C102 and C114.
  - Mornington Peninsula Planning Scheme — Amendments C101, C103 and C105.
  - Mount Alexander Planning Scheme — Amendment C44.
  - Moyne Planning Scheme — Amendment C34.
  - Nillumbik Planning Scheme — Amendments C58 Part 2 and C73.
  - Port Phillip Planning Scheme — Amendments C77, C85 and C86.
  - Southern Grampians Planning Scheme — Amendment C6.
  - Strathbogie Planning Scheme — Amendment C53.
  - Towong Planning Scheme — Amendment C20.
  - Wellington Planning Scheme — Amendment C69.
  - Whitehorse Planning Scheme — Amendment C138.
  - Wodonga Planning Scheme — Amendments C62 and C74.
  - Yarra Planning Scheme — Amendment C113.
  - Yarra Ranges Planning Scheme — Amendment C101.
- Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2009-10.
- Statutory Rules under the following Acts of Parliament:
- Children, Youth and Families Act 2005 — No. 151/2010.
  - Criminal Procedure Act 2009 — No. 1/2011.
  - Gambling Regulation Act 2003 — No. 3/2011.
  - Liquor Control Reform Act 1998 — No. 149/2010.
  - Magistrates' Court Act 1989 — No. 152/2010.
  - Residential Tenancies Act 1997 — No. 150/2010.
  - Sentencing Act 1991 — No. 2/2011.
  - Supreme Court Act 1986 — Nos. 147 and 148/2010.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 123, 147, 148, 150, 151 and 152/2010 and 1 and 2/2011.

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

Consumer Affairs Legislation Amendment Act 2010 — Sections 68 to 70 and 107 — 1 January 2011 (*Gazette No. S502, 20 December 2010*).

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Section 70 — 1 January 2011 (*Gazette No. S502, 20 December 2010*).

Education and Care Services National Law Act 2010 — Part 1, sections 4 to 6 and 8, Part 3 (except section 17) and the Schedule to that Act (except Parts 2 to 9, section 229, Part 12, Divisions 1 to 5 of Part 13, sections 271, 272, 279 and 280, Division 3 of Part 14, sections 285 to 288, 289(3) and (4), 290 to 292, Divisions 5 to 7 of Part 14, Divisions 1 and 2 of Part 15, sections 322 and 323 and Schedule 2) — 1 January 2011 (*Gazette No. S502, 20 December 2010*).

Fair Trading Amendment (Australian Consumer Law) Act 2010 — 1 January 2011 (*Gazette No. S502, 20 December 2010*).

Occupational Licensing National Law Act 2010 — Parts 1 to 3 (except section 6 of Part 2), and the Schedule to that Act (except Parts 2 to 5, sections 99(3)(g), (h) and (i), Division 1 of Part 8, section 137, Division 3 of Part 8, Division 2 of Part 9, sections 150 and 153 and Division 5 of Part 9) — 1 January 2011 (*Gazette No. S502, 20 December 2010*).

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 9 February 2011:

- (1) the Notice of Motion given this day by Mr Tee relating to the flood disaster in Victoria; and
- (2) Notice of Motion No. 1, standing in the name of Mr Barber, relating to the provision of HRL Limited documents.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 7.43 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 3 — Wednesday, 9 February 2011

1 The President took the Chair and read the Prayer.

**2 PAPERS** —

**CHILDREN'S COURT** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Children's Court for the year 2009-10.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

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

Auditor-General's reports on —

Acquittal Report: Results of the 2009-10 Audits, February 2011, together with Annexures A to D (five papers).

Construction of Police Stations and Courthouses, February 2011.

Effectiveness of Victims of Crime Programs, February 2011.

Motorcycle and Scooter Safety Programs, February 2011.

Ombudsman — Report on the Investigation into the failure of agencies to manage registered sex offenders, February 2011.

- 3 INCORPORATION OF STATEMENT OF COMPATIBILITY** — Mr D.M. Davis moved, by leave, That the statement of compatibility required to be tabled pursuant to the *Charter of Human Rights and Responsibilities Act 2006* when a Member introduces a Bill into the Council be incorporated into Hansard together with the second reading speech.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 FLOODS IN VICTORIA** — Mr Tee moved, That this House —

- (1) notes the unprecedented flood disaster in Victoria which —
  - (a) has affected 94 towns across 25 local government areas in Victoria and inundated or isolated up to 3000 homes, business and farms and displaced more than 6000 people to date; and
  - (b) has damaged or destroyed infrastructure including roads, bridges, health and community facilities such as hospitals, sporting clubs and public halls;
- (2) expresses its concern and support for Victorian families affected by the floods and for emergency services workers and volunteers who are working tirelessly to protect these Victorians; and
- (3) calls on Premier Baillieu to deliver on his plans for an independent review of the floods and for the review to —
  - (a) examine and make recommendations on the State's response to the floods;
  - (b) recommend improvements to the preparation and planning for future flood risks;
  - (c) visit flood affected communities and call for public submissions; and
  - (d) make interim recommendations by 31 August 2011 and to provide a final report by 1 January 2012.

Debate ensued.

Question — put and agreed to.

- 6 PRODUCTION OF DOCUMENTS — HRL LIMITED** — Mr Barber moved, That this House requires the Leader of the Government to table in the Council by 12 noon on Tuesday, 1 March 2011 a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited, provided under the Energy Technology Innovation Strategy (ETIS).

Debate ensued.

Question — put and agreed to.

- 7 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see item 15 on page 14, Minutes 21 December 2010*) —

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

- 8 BUSINESS POSTPONED** —

Ordered — That the consideration of the remaining Notices of Motion and Order of the Day, General Business, be postponed until later this day.

Ordered — That Statements on Reports and Papers be taken at 2.00 p.m. this day.

Ordered — That the consideration of Notices of Motion, Government Business, Nos. 3 and 7 be postponed until later this day.

- 9 STATUTE LAW REVISION BILL 2011** — Mr D.M. Davis, pursuant to notice, introduced *A Bill for an Act to revise the statute law of Victoria*.

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

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.

And then the Council, at 3.04 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 4 — Thursday, 10 February 2011

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**VICTORIAN FAMILIES STATEMENT 2011** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the 2011 Victorian Families Statement.

Question — put and agreed to.

The Report was presented by Mr D.M. Davis and ordered to lie on the Table.

On the motion of Mr D.M. Davis, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

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

Ombudsman — Report on the Investigation into the probity of The Hotel Windsor redevelopment, February 2011.

Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Powers of Attorney.

3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 1 March 2011.

Question — put and agreed to.

4 **PARLIAMENTARY COMMITTEES** — Mr D.M. Davis moved, by leave —

(1) **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — That Mr P.R. Davis, Mr O'Brien and Mr Pakula be members of the Public Accounts and Estimates Committee.

(2) **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — That Mr O'Donohue and Mr O'Brien be members of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see item 15 on page 14, Minutes 21 December 2010*) —

*Business having been interrupted at 12 noon pursuant to Standing Orders* —

7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

8 **ADDRESS IN REPLY** — Debate continued on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see item 15 on page 14, Minutes 21 December 2010*) —

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

9 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**10 STATUTE LAW REVISION BILL 2011** — Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for two weeks.

**11 STANDING COMMITTEES PORTFOLIO ALLOCATIONS** — Mr D.M. Davis moved, That Departments (including agencies and public entities within those Departments) be allocated to Council Standing Committees as follows:

- (1) Standing Committee on the Economy and Infrastructure —  
Department of Business and Innovation  
Department of Primary Industries  
Department of Transport  
Department of Treasury and Finance
- (2) Standing Committee on the Environment and Planning —  
Department of Premier and Cabinet  
Department of Planning and Community Development  
Department of Sustainability and Environment
- (3) Standing Committee on Legal and Social Issues —  
Department of Education and Early Childhood Development  
Department of Health  
Department of Human Services  
Department of Justice

Debate ensued.

Mr Viney moved, as an amendment, That after “Department of Justice” insert —

“and that, notwithstanding Standing Order 23.02(4)(b) the Reference Committee of each Standing Committee may inquire into any proposal, matter or thing that is relevant to the respective Departments allocated to the Standing Committee which is —

- (a) referred to it by resolution of the Council; or
- (b) determined by the Reference Committees.”.

Debate ensued.

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

**12 OMBUDSMAN’S REPORTS, 2011** — Mr D.M. Davis moved, That this House takes note of the reports tabled by the Ombudsman in 2011.

Debate ensued.

On the motion of Mrs Peulich, the debate was adjourned until later this day.

**13 STANDING COMMITTEES PORTFOLIO ALLOCATIONS** — The Order of the Day having been read for the resumption of the debate on the question, That Departments (including agencies and public entities within those Departments) be allocated to Council Standing Committees as follows:

- (1) Standing Committee on the Economy and Infrastructure —  
Department of Business and Innovation  
Department of Primary Industries  
Department of Transport  
Department of Treasury and Finance
- (2) Standing Committee on the Environment and Planning —  
Department of Premier and Cabinet  
Department of Planning and Community Development  
Department of Sustainability and Environment
- (3) Standing Committee on Legal and Social Issues —  
Department of Education and Early Childhood Development  
Department of Health

Department of Human Services

Department of Justice

and on the amendment, That after “Department of Justice” insert —

“and that, notwithstanding Standing Order 23.02(4)(b) the Reference Committee of each Standing Committee may inquire into any proposal, matter or thing that is relevant to the respective Departments allocated to the Standing Committee which is —

- (a) referred to it by resolution of the Council; or
- (b) determined by the Reference Committees.”.

*The President, having ruled the amendment moved by Mr Viney out of order —*

Debate continued.

Question — put and agreed to.

**14 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — REFERENCE — Mr D.M.**

Davis moved, That this House requires the Legal and Social Issues References Committee to inquire, consider and report on options and mechanisms to increase organ donation in Victoria including:

- (1) the operation of existing legislative, procedural and governance frameworks and policies, including in other jurisdictions;
- (2) assessment of available national and international evidence on the effectiveness and efficacy of policies to increase donation rates, including the operation of various disclosure and consent arrangements such as presumed consent;
- (3) identification and assessment of various possible mechanisms to increase organ donation in Victoria;
- (4) an appropriate ethical framework for decision-making, procedures and safeguards regarding organ donation, including the rights of prospective donors and family members; and
- (5) any other matters that should be considered in relation to mechanisms to increase organ donation in Victoria.

and that the Committee present its final report to Parliament no later than 12 months after this reference is given to the Committee.

Debate ensued.

Question — put and agreed to.

**15 JOINT INVESTIGATORY COMMITTEES — Mr D.M. Davis moved, by leave:**

- (1) **DRUGS AND CRIME PREVENTION COMMITTEE** — That Mr Leane, Mr Scheffer and Mr Ramsay be members of the Drugs and Crime Prevention Committee.
- (2) **EDUCATION AND TRAINING COMMITTEE** — That Mr Elasmarr and Ms Tierney be members of the Education and Training Committee.
- (3) **ELECTORAL MATTERS COMMITTEE** — That Mr Finn and Mr Tarlamis be members of the Electoral Matters Committee.
- (4) **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — That Mrs Kronberg and Mr Ondarchie be members of the Outer Suburban/Interface Services and Development Committee.

Question — put and agreed to.

**16 STATUTE LAW REVISION BILL 2011 — Mr D.M. Davis, moved, by leave, That the Statute Law Revision Bill 2011 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.**

Question — put and agreed to.

**17 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.04 p.m., adjourned until Tuesday, 1 March 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 5, 6 and 7

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#### No. 5 — Tuesday, 1 March 2011

- 1 The President took the Chair and read the Prayer.
- 2 **SENTENCING FURTHER AMENDMENT BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Amendment Act 2010, to abolish suspended sentences for certain offences, to amend the Sentencing Act 1991 to further provide for the membership of the Sentencing Advisory Council and to make other amendments to that Act and for other purposes* and requesting the agreement of the Council.

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

- 3 **CHRISTCHURCH EARTHQUAKE** — Mr D.M. Davis moved, by leave, That this House —
  - (1) offers its deepest and most sincere condolences to the families of those who have tragically lost their lives in the devastating Christchurch earthquake on 22 February 2011;
  - (2) expresses its admiration for the work of the New Zealand police, civil defence, hospital and emergency service workers, together with the New Zealand Defence Force, in their response to this disaster;
  - (3) supports the governments of Australia and other countries in their ready deployment of expert personnel to assist in the emergency response;
  - (4) commits to do whatever it can to assist our New Zealand friends as they face this adversity; and
  - (5) joins with all the people of the State of Victoria in expressing our sympathy and our strong support for the rejuvenation of the beautiful city of Christchurch and the surrounding district.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

#### 5 **PAPERS** —

##### **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**STATUTE LAW REVISION BILL 2011** — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2011 (including Appendices).

Ordered to lie on the Table and to be printed.

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 1 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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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:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2010.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ended 31 October 2010.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 17 February 2011 pursuant to section 7(4) of the Act.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2010.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2010.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2010.

Murray-Darling Basin Authority — Report, 2009-10.

Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Soil Carbon Sequestration in Victoria.

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

Bass Coast Planning Scheme — Amendment C117.

Baw Baw Planning Scheme — Amendments C74 and C79.

Casey Planning Scheme — Amendments C141, C142 and C146.

Frankston Planning Scheme — Amendment C69.

Glen Eira Planning Scheme — Amendment C85.

Greater Bendigo Planning Scheme — Amendment C115.

Greater Dandenong Planning Scheme — Amendments C73, C96 and C102.

Greater Geelong Planning Scheme — Amendments C103, C177 and C237.

Horsham Planning Scheme — Amendment C49.

Hume Planning Scheme — Amendments C119 and C121.

Latrobe Planning Scheme — Amendment C24 Part 2.

Melbourne Planning Scheme — Amendment C153.

Moonee Valley Planning Scheme — Amendment C90 Part 1.

Mornington Peninsula Planning Scheme — Amendment C153.

Nillumbik Planning Scheme — Amendment C71.

Southern Grampians Planning Scheme — Amendment C17.

Whitehorse Planning Scheme — Amendments C109 and C132.

Whittlesea Planning Scheme — Amendment C139.

Yarra Ranges Planning Scheme — Amendment C106.

A Statutory Rule under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 — No. 4/2011.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 4 and 5/2011.

**6 PRODUCTION OF DOCUMENTS — HRL LIMITED** — The Clerk laid on the Table the following letters in response to the Resolution of the Council of 9 February 2011 seeking the production of documents relating to the funding agreement between the State of Victoria and HRL Limited —

- a letter from the Attorney-General advising that the documents sought contain sensitive financial and commercial information and proprietary intellectual property and that HRL and the Government agree that the release of this information would materially damage the interests of HRL; and

- a letter from HRL outlining their concern about the possible release of the documents.

On the motion of Mr Barber, the letters were ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 2 March 2011:

- (1) Notice of Motion No. 21 standing in the name of Mr Tee relating to the production of height restrictions planning amendment documents;
- (2) the Notice of Motion given this day by Ms Pennicuik relating to the production of Australian Grand Prix Corporation documents; and
- (3) the Notice of Motion given this day by Mr Jennings relating to alpine grazing.

Question — put and agreed to.

**8 ELECTORAL MATTERS COMMITTEE** — Mr D.M. Davis moved, by leave, That Mr Somyurek be a member of the Electoral Matters Committee.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

**11 STATUTE LAW REVISION BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mrs Coote, the debate was adjourned until later this day.

**12 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see item 15 on page 14, Minutes 21 December 2010*) —

On the motion of Ms Pulford, the debate was adjourned until the next day of meeting.

**13 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 5.24 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 6 — Wednesday, 2 March 2011

**1** The President took the Chair and read the Prayer.

**2 POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and ordered to be read a second time 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 reports on —

Environmental Management of Marine Protected Areas, March 2011.

Managing Drug and Alcohol Prevention and Treatment Services, March 2011.

Ombudsman — Report on the Investigation into 'The Brotherhood' and the risks associated with secretive organisations, March 2011.

Statutory Rule under the Severe Substance Dependence Treatment Act 2010 — No. 5/2011.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 PRODUCTION OF DOCUMENTS — PLANNING AMENDMENTS IN RELATION TO HEIGHT RESTRICTIONS** — Mr Tee moved, That this House requires the Minister for Planning to table in the Council by 12 noon on Tuesday, 22 March 2011 a copy of all documents the Government received seeking its support for height restrictions which he introduced as Planning Amendments.

Debate ensued.

Question — put and agreed to.

**6 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION** — Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Council by 12 noon on Tuesday, 22 March 2011 a copy of —

- (1) the financial arrangement/current contract between the Government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One Grand Prix event and, if not included in the above document, the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010 event, any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event, paid by Government departments or agencies to the AGPC, any services provided to the AGPC by other Government departments (eg. Victoria Police) relating to the 2010 event;
- (2) the economic study performed as the basis of the five year contract extension to 2015; and
- (3) the most recent cost-benefit analysis of the Australian Grand Prix.

Debate ensued.

Question — put and agreed to.

**7 CATTLE GRAZING IN THE ALPINE NATIONAL PARK** — Mr Jennings moved, That this House —

- (1) expresses its dismay at the Government's decision to re-introduce cattle grazing to the Alpine National Park; and
- (2) calls on the Minister for Environment and Climate Change to overturn this decision in light of:
  - (a) overwhelming scientific evidence of the damage caused to ecosystems protected by the Commonwealth Environment Protection and Biodiversity Conservation Act in the Victorian Alpine Region;
  - (b) lack of process in gaining approval from the Commonwealth Government for the reintroduction of cattle grazing into these protected areas;
  - (c) concerns regarding the lack of a tender process to determine which cattle owners should get access to these agistment arrangements and at what cost; and
  - (d) concerns that despite individual Mountain Cattlemen gaining compensatory arrangements upon their stock leaving the National Park and their stock having ongoing access to state forests that cattle grazing may be returning to the National Park without any financial contribution paid by Cattlemen to the maintenance of public and environmental values of the park.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

**9 CATTLE GRAZING IN THE ALPINE NATIONAL PARK** — Debate continued on the question That this House —

- (1) expresses its dismay at the Government's decision to re-introduce cattle grazing to the Alpine National Park; and
- (2) calls on the Minister for Environment and Climate Change to overturn this decision in light of:
  - (a) overwhelming scientific evidence of the damage caused to ecosystems protected by the Commonwealth Environment Protection and Biodiversity Conservation Act in the Victorian Alpine Region;
  - (b) lack of process in gaining approval from the Commonwealth Government for the reintroduction of cattle grazing into these protected areas;
  - (c) concerns regarding the lack of a tender process to determine which cattle owners should get access to these agistment arrangements and at what cost; and
  - (d) concerns that despite individual Mountain Cattlemen gaining compensatory arrangements upon their stock leaving the National Park and their stock having ongoing access to state forests that cattle grazing may be returning to the National Park without any financial contribution paid by Cattlemen to the maintenance of public and environmental values of the park.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula (*Teller*)  
 Ms Pennicuik (*Teller*)  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**10 BUSINESS POSTPONED** —

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed until later this day.

Ordered — That the consideration of the remaining Notices of Motion and Order of the Day, General Business, No. 1, be postponed until later this day.

**11 PRODUCTION OF DOCUMENTS — HRL LIMITED — LETTER FROM ATTORNEY-GENERAL, 1 MARCH 2011 AND LETTER FROM HRL LIMITED, 25 FEBRUARY 2011** —

Mr Barber moved, That the Council take note of the letter from the Attorney-General dated 1 March 2011 and the letter from HRL Limited dated 25 February 2011 in relation to the Council's Resolution of 9 February 2011 requiring the production of documents in relation to

the funding agreement between the State of Victoria and HRL Limited provided under the Energy Technology Innovation Strategy.

Debate ensued.

Question — put and agreed to.

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.03 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 7 — Thursday, 3 March 2011

1 The President took the Chair and read the Prayer.

**2 BUILDING AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

**3 STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES** — The President announced that he had received advice from the Leader of the Opposition for a membership change on the Standing Committee on Legal and Social Issues.

Mr D.M. Davis moved, by leave, That Mr Pakula be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Mr Elasmir be appointed in his place.

Question — put and agreed to.

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

Gambling Regulation Act 2003 —

Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to a complaint by Intralot Australia Pty Ltd in relation to the Public Lotteries Licensing Process.

Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to Expressions of Interest in the grant of the Monitoring Licence.

Ombudsman — Report on the Assault of a disability services client by Department of Human Services Staff, March 2011.

Parliamentary Committees Act 2003 —

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the findings and recommendations of the Auditor-General's reports tabled July-December 2008.

Government Response to the Rural and Regional Committee's Report on Positioning the Wimmera Mallee Pipeline Region to Capitalise on New Economic Development Opportunities.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for address see item 15 on page 14, Minutes 21 December 2010*) —

Mrs Coote moved, That the debate be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar (*Teller*)  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**8 SENTENCING FURTHER AMENDMENT BILL 2010** — Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**9 POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, and after debate, the debate was adjourned for one week.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**11 VICTORIAN FAMILIES STATEMENT 2011** — Mrs Coote moved, That the Council take note of the 2011 Victorian Families Statement.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders* —

**12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**WIND FARM POLICY** — Mr Guy having given an answer to a question without notice relating to Wind Farm Policy —

On the motion of Mr Barber, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 13 VICTORIAN FAMILIES STATEMENT 2011** — Debate continued on the question, That the Council take note of the 2011 Victorian Families Statement.

On the motion of Mrs Peulich, the debate was adjourned until later this day.

- 14 BUILDING AMENDMENT BILL 2011** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 15 VICTORIAN FAMILIES STATEMENT 2011** — Debate resumed on the question, That the Council take note of the 2011 Victorian Families Statement.

On the motion of Mr Koch, the debate was adjourned until the next day of meeting.

- 16 BOWEL CANCER SCREENING PROGRAMME** — Mr D.M. Davis moved, That this House —

- (1) notes with concern that 3,563 Victorians were diagnosed with bowel cancer in 2008, with 1,433 Victorians dying from it in that year alone, notes that bowel cancer is the commonest internal cancer affecting both men and women, is the second leading cause of cancer death in Victoria, and that these figures can be improved by one third by an effective bowel cancer screening programme;
- (2) notes the *Lancet* article of February 2011 “Bowel cancer screening programme under threat in Australia”, which states of the Federal Government’s bowel cancer screening programme that “...since 2006 only a piecemeal program has been delivered” and includes the observations that:
  - (a) the cost of bowel cancer treatment is projected to reach \$1 billion in 2011; whereas a fully implemented screening program would cost approximately \$140 million and would save lives and be cost effective;
  - (b) the national uptake of bowel cancer screening, 37 per cent in men and 43 per cent in women, is much lower than 70 percent participation rate for cervical screening, and 54 percent for BreastScreen; and
  - (c) notes that the current bowel screening program offers once-only screening to people at ages 50, 55 and 65 years compared with the required 2 yearly program from 50 to 70 years;
- (3) notes the Federal Labor Government’s refusal to guarantee the continuation of the National Bowel Cancer Screening Programme, an important programme which when fully implemented will save many lives;
- (4) notes the comments of Dr. Michael Jefford of the Peter MacCallum Cancer Centre in the *Lancet* that “bowel cancer has been neglected in terms of screening and advocacy...”; and
- (5) calls on the Federal Health Minister and the Federal Labor Government to guarantee funding for a fully implemented bowel cancer screening programme beyond 30 June 2011.

Debate ensued.

Question — put and agreed to.

- 17 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr D.M. Davis moved, by leave, That Mrs Coote and Ms Crozier be members of the Family and Community Development Committee.

Question — put and agreed to.

- 18 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 22 March 2011.

Question — put and agreed to.

- 19 SHRINE OF REMEMBRANCE AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Shrine of Remembrance Act 1978 and the Melbourne Market and Park Lands Act 1933 with respect to the management of the Shrine of Remembrance and the composition, duties and powers of the Shrine of Remembrance trustees and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Ms Lovell), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders, the debate was adjourned for one week.
- 20 SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Shop Trading Reform Act 1996 to remove shop trading restrictions on Easter Sunday, and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders (for Mr Somyurek), the debate was adjourned for one week.
- 21 CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Civil Procedure Act 2010 to repeal the pre-litigation requirements and make related amendments, to make a minor amendment to the Legal Profession Act 2004 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Pakula, the debate was adjourned for one week.
- 22 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for certain powers for Government school principals and others in relation to weapons and other items in the possession of students and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for one week.
- 23 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.25 p.m., adjourned until Tuesday, 22 March 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 8, 9 and 10

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#### No. 8 — Tuesday, 22 March 2011

- 1 The President took the Chair and read the Prayer.
- 2 **JAPAN EARTHQUAKE AND TSUNAMI** — Mr D.M. Davis moved, by leave, That this House —
  - (1) offers its deepest and most sincere condolences to the Government and people of Japan following the catastrophic earthquake and tsunami off Japan on 11 March 2011, and the subsequent power station crisis;
  - (2) notes that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;
  - (3) expresses its admiration for the work of the Japan Self-defence Forces and other emergency service workers in their stoic response to this disaster;
  - (4) supports the Australian Government in offering assistance to Japan;
  - (5) joins with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Japan from this calamity; and
  - (6) undertakes to assist Japan in whatever way possible.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — EASTERN AUTISTIC SCHOOL** — Mr Leane presented a Petition bearing 2,201 signatures from certain citizens of Victoria requesting that the Government provide funding in the 2011-12 State Budget to complete Stage 2 of the Eastern Autistic School in Ferntree Gully, to benefit the children and their families for whom this facility is urgently needed.

Ordered to lie on the Table.

On the motion of Mr Leane, the petition was ordered to be taken into consideration on the next day of meeting.

- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 2 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

**BUDGET SECTOR — MID-YEAR FINANCIAL REPORT 2010-11** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Sector Mid-Year Financial Report, 2010-11 (incorporating Quarterly Financial Report No. 2).

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**EDUCATION AND TRAINING COMMITTEE — SCHOOLS PROMOTING HEALTHY COMMUNITY LIVING** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Education and Training Committee's Report on Schools Promoting Healthy Community Living.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — BUDGET ESTIMATES, 2010-11 — PART THREE** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2010-11 Budget Estimates — Part Three.

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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:

Australian Crime Commission — Report, 2009-10.

Legal Profession Act 2004 — Practitioner Remuneration Order 2011.

National Environment Protection Council — Report, 2009-10.

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

Banyule Planning Scheme — Amendment C70 Part 1.

Bass Coast Planning Scheme — Amendments C87, C98 and C118.

Boroondara Planning Scheme — Amendments C114, C122, C125, C127 and C129.

Brimbank Planning Scheme — Amendment C108.

Casey Planning Scheme — Amendment C149.

Darebin Planning Scheme — Amendments C81 and C92.

Frankston Planning Scheme — Amendment C73.

Greater Bendigo Planning Scheme — Amendments C143 and C146.

Greater Geelong Planning Scheme — Amendments C127 Part 1 and C205.

Greater Shepparton Planning Scheme — Amendment C150.

Knox Planning Scheme — Amendment C107.

Latrobe Planning Scheme — Amendment C47.

Moirra Planning Scheme — Amendment C62.

Moreland Planning Scheme — Amendment C78.

Stonington Planning Scheme — Amendments C108 and C120.

Victoria Planning Provisions — Amendment VC78.

Whittlesea Planning Scheme — Amendment C155.

Wyndham Planning Scheme — Amendment C140.

Yarra Planning Scheme — Amendment C128.

Statutory Rules under the following Acts of Parliament:

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 10.

Subordinate Legislation Act 1994 — No. 11.

Supreme Court Act 1986 — Nos. 7 and 8.

Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 6.

Travel Agents Act 1986 — No. 9.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 6 to 11.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Section 63 — 1 March 2011; sections 47(2) and (3), 55 and Part 10 — 1 April 2011 (*Gazette No. S63, 1 March 2011*).

**6 PRODUCTION OF DOCUMENTS —**

**AMENDMENT C86 TO THE PORT PHILLIP PLANNING SCHEME** — The Clerk laid on the Table a letter from the Attorney-General dated 21 March 2011 —

- advising that the planning amendment referred to in the Council's resolution is Amendment C86 to the Port Phillip Planning Scheme;
- stating that following the completion of diligent searches, no documents falling within the Council's resolution were identified; and
- advising that the Government has identified four documents relating to Planning Amendment C86 that may be of interest or assistance to the Council.

The Clerk also laid on the Table the following documents received in accordance with an Order of the Council of 2 March 2011 seeking the production of certain documents relating to Amendment C86 to the Port Phillip Planning Scheme referred to in the Attorney-General's letter —

- (1) a letter from the Mayor of the City of Port Phillip (24 January 2011);
- (2) a letter from the Trustees of the Shrine of Remembrance (9 February 2011);
- (3) a press release by then Shadow Minister for Planning (1 April 2009); and
- (4) the Victorian Liberal Nationals Coalition Plan for Veteran Affairs (undated).

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**AUSTRALIAN GRAND PRIX CORPORATION DOCUMENTS** — The Clerk laid on the Table a letter from the Attorney-General dated 21 March 2011 in response to the resolution of the Council of 2 March 2011 seeking the production of documents relating to the Australian Grand Prix Corporation —

- advising that the Government is in the process of identifying documents that may be relevant to this resolution;
- advising that the Government is not able to respond to the Council's resolution within the time period as requested by the Council; and
- advising that the Government will continue working to identify documents relevant to the Council's resolution and will endeavour to respond as soon as possible.

On the motion of Ms Pennicuik, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 23 March 2011:

- (1) the Notice of Motion given this day by Mr Tee, relating to a reference to the Environment and Planning References Committee;
- (2) the Notice of Motion given this day by Mr Barber, relating to the production of certain metropolitan train timetable documents;
- (3) the Notice of Motion given this day by Ms Mikakos, relating to kindergarten funding;
- (4) Notice of Motion No. 33, standing in the name of Mr Barber, relating to the production of certain documents detailing the funding agreement between the State of Victoria and HRL Limited;
- (5) the Notice of Motion given this day by Ms Pennicuik relating to the production of certain Alpine Grazing documents;
- (6) a motion to take note of the Attorney-General's letter concerning Australian Grand Prix Corporation documents;
- (7) Order of the Day No. 2 to take note of the Minister for Planning's answer to a question without notice relating to Wind Farm policy; and
- (8) the Notice of Motion given this day by Mr Pakula, relating to statements made by the Minister for Employment and Industrial Relations.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

**10 STATUTE LAW REVISION BILL 2011** — 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 transmitted to the Assembly with a Message requesting their agreement.

**11 SHRINE OF REMEMBRANCE AMENDMENT BILL 2011** — 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.

**12 SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Somyurek were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Jennings
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg ( <i>Teller</i> )	Ms Pulford ( <i>Teller</i> )
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie ( <i>Teller</i> )	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Debate continued on the question, That the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar (*Teller*)  
 Ms Hartland (*Teller*)  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

Mr Somyurek moved, That it be an instruction to the Committee that they have power to consider amendments and a new clause to amend the *Public Holidays Act 1993* to appoint Easter Sunday as a public holiday.

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 23 MARCH 2011

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Ms Hartland  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay

Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

NOES, 18

Mr Barber  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Ms Hartland  
Mr Jennings  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

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

**13 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 2.45 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 9 — Wednesday, 23 March 2011

1 The President took the Chair and read the Prayer.

**2 PETITIONS — McINTYRE ROAD, ALTONA DEVELOPMENT —**

Mr Finn presented a Petition bearing 356 signatures from certain citizens of Victoria requesting that the Government ensures that the planned social housing development at 2 McIntyre Road, Altona is appropriate for the streetscape, does not exceed two storeys and includes adequate car parking for the size of the dwelling.

Ordered to lie on the Table.

Mr Finn presented a Petition bearing 383 signatures from certain citizens of Victoria requesting that the Government ensure that the development at 2 McIntyre Road, Altona is only used for its designed intention by including a condition in the planning permit that limits its use to an aged care facility, not social housing.

Ordered to lie on the Table.

**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 reports on —

Effectiveness of Small Business Victoria's Support Programs, March 2011.

Local Community Transport Services: the Transport Connections program, March 2011.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2011.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 12.

Water Act 1989 — No. 13.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — REFERENCE** — Mr Tee moved, That this House requires the Standing Committee on Environment and Planning References Committee to inquire into, consider and report on the impact of Victoria Planning Provisions Amendment VC78 and that the Committee present its final report no later than 24 May 2011.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — REFERENCE** — Debate continued on the question, That this House requires the Standing Committee on Environment and Planning References Committee to inquire into, consider and report on the impact of Victoria Planning Provisions Amendment VC78 and that the Committee present its final report no later than 24 May 2011.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Jennings  
Ms Hartland  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Mikakos (*Teller*)  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay

Mr Rich-Phillips

Question negatived.

- 8 PRODUCTION OF DOCUMENTS — METROPOLITAN TRAIN TIMETABLE** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 5 April 2011 a copy of all documents held by the Department of Transport and created by the Franchisee for the purposes of section 7.4 of the Metropolitan Train Franchise Agreement relating to proposed changes to the metropolitan train timetable proposed to commence on 8 May 2011.

Debate ensued.

Question — put and agreed to.

- 9 KINDERGARTEN FUNDING** — Ms Mikakos moved, That this House —

- (1) notes that Victoria is experiencing a baby boom, with 200 babies born each day, increasing demand for more kindergarten places;
- (2) notes that the Council of Australian Governments (COAG) agreed to increase four year old kindergarten hours from 10 to 15 hours per week by 2013, which will further add to that demand;
- (3) notes that the Baillieu Government has made no commitment to the Young Readers Program;
- (4) notes that the Baillieu Government has made no commitment to Play, Learning and Equipment Grants for community-based kindergartens;
- (5) notes that the Baillieu Government has made no commitment to expand toy libraries and playgroups that enhance the development of children younger than three years old;
- (6) notes the lack of recognition by the Baillieu Government of the professional development needs of staff working in the early childhood sector;
- (7) condemns the Baillieu Government for only committing \$15 million over four years for kindergarten capital funding, which will mean that most of Victoria's kindergartens will miss out;
- (8) calls on the Baillieu Government to amend the *Education and Training Reform Act 2006* to allow for the registration of kindergarten teachers through the Victorian Institute of Teaching; and
- (9) calls on the Baillieu Government to provide considerably more funding for kindergarten capital funding, to ensure that all of Victoria's pre-school children have the best start to their education.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned for one week.

- 10 PRODUCTION OF DOCUMENTS — HRL LIMITED** — Mr Barber moved, That this House —

- (1) notes that the documents ordered by the Resolution of the Council on 9 February 2011 to be tabled in the Council by 12.00 p.m. on 1 March 2011, have not been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975* and the power to make Standing Orders under section 43 of that Act;
- (3) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (4) requires the Leader of the Government representing the Premier to table by 12.00 p.m. on Tuesday, 5 April 2011 a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited, provided under the Energy Technology Innovation Strategy (ETIS).

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr D.M. Davis
Mr Jennings ( <i>Teller</i> )	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik ( <i>Teller</i> )	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 11 PRODUCTION OF DOCUMENTS — ALPINE GRAZING** — Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Council by 12 noon, Tuesday 5 April 2011, all correspondence (and related documents) between the Department of Sustainability and Environment and the University of Melbourne, relating to the proposed research program on Alpine Grazing, and the document "Department of Sustainability and Environment/Department of Forest and Ecosystem Science Research Program Charter".

Debate ensued.

Question — put and agreed to.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, and the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed until the next day of meeting.

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.13 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 10 — Thursday, 24 March 2011

- The President took the Chair and read the Prayer.
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Australian Crime Commission — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2009-10.

Judicial Remuneration Tribunal Act 1995 — Report No. 1 on Judicial Allowances and Conditions of Service, November 2010.

Planning and Environment Act 1987 — Wyndham Planning Scheme Amendment C93.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2009-10.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2009-10.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 4 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and the Notices of Motion, Government Business, be postponed until later this day.
- 5 POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 7 POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Mikakos

Mr O'Brien

Mr O'Donohue (*Teller*)

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

Ms Pennicuik moved, That the Police Regulation Amendment (Protective Services Officers) Bill 2010 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik ( <i>Teller</i> )	Mr Koch ( <i>Teller</i> )
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question 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.

**8 CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the provisions of the *Civil Procedure Act 2010* passed by this Parliament in August 2010 are evaluated.”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis ( <i>Teller</i> )
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg ( <i>Teller</i> )	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis ( <i>Teller</i> )
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

- 9 REGIONAL GROWTH FUND BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for a fund to be called the Regional Growth Fund to be established in the Public Account as part of the Trust Fund, to amend the Regional Development Victoria Act 2002, to repeal the Regional Infrastructure Development Fund Act 1999 and to make a consequential amendment to the Parliamentary Committees Act 2003 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Hall, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Hall, the second reading speech was incorporated into Hansard.
- Mr Hall moved, That the Bill be now read a second time.
- On the motion of Ms Pulford, the debate was adjourned for one week.
- 10 BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the statutory position of the Bushfires Royal Commission Implementation Monitor, to provide for the preparation of an Implementation Plan and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Hall, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Hall, the second reading speech was incorporated into Hansard.
- Mr Hall moved, That the Bill be now read a second time.
- On the motion of Mr Tee, the debate was adjourned for one week.
- 11 VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Law Foundation Act 2009 in relation to the constitution and membership of the Victoria Law Foundation and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.
- Mr Dalla-Riva moved, That the Bill be now read a second time.
- On the motion of Mr Pakula, the debate was adjourned for one week.
- 12 JUSTICE LEGISLATION AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to provide for persons to be barred from licensed premises and their vicinity in certain circumstances, to amend the Summary Offences Act 1966 to increase the penalties for being drunk and disorderly, to make other amendments to those Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Pakula, the debate was adjourned for one week.
- 13 COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the*

*Country Fire Authority Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

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

**14 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Committees Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**15 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 5 April 2011.

Debate ensued.

Question — put and agreed to.

**16 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn

Debate ensued and certain responses to Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.47 p.m., adjourned until Tuesday, 5 April 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 8, 9 and 10

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Wednesday, 23 March 2011 (morning)

### 1 SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011

**Clause 1** — Mr Tee moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula (*Teller*)  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Question — That Clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy (*Teller*)

NOES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders (*Teller*)  
Ms Mikakos  
Mr Pakula

Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mr Ramsay  
Mr Rich-Phillips

Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)  
Ms Tierney  
Mr Viney

Question agreed to.

**Clause 5** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 24 March 2011**

**1 POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010**

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 11, 12 and 13

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#### No. 11 — Tuesday, 5 April 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 29 March 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Civil Procedure and Legal Profession Amendment Act 2011*  
*Police Regulation Amendment (Protective Services Officers) Act 2011*  
*Shop Trading Reform Amendment (Easter Sunday) Act 2011*  
*Shrine of Remembrance Amendment Act 2011.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — EASTERN AUTISTIC SCHOOL** — Mr Leane presented a Petition bearing 3,021 signatures from certain citizens of Victoria requesting that the Government provide funding in the 2011-12 State Budget to complete Stage 2 of the Eastern Autistic School in Ferntree Gully, to benefit the children and their families for whom this facility is urgently needed.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr O'Donohue presented Alert Digest No. 3 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Accident Compensation Act 1985 — Minister's Orders of 12 March 2011 approving compliance codes (four papers).
  - Crown Land (Reserves) Act 1978 — Minister's Order of 5 March 2011 giving approval to the granting of a licence at St Kilda Botanical Gardens Reserve.
  - Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return, April 2011 and Summary of Variations notified between 8 February 2011 and 4 April 2011.
  - Parliamentary Committees Act 2003 —  
Government Response to the Economic Development and Infrastructure Committee's Report on State Government Taxation and Debt.

Government Response to the Road Safety Committee's Report on Pedestrian Safety in Car Parks.

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

- Bass Coast Planning Scheme — Amendment C116.
- Benalla Planning Scheme — Amendment C13.
- Brimbank Planning Scheme — Amendments C113 and C125 Part 1.
- Frankston Planning Scheme — Amendment C72.
- Greater Bendigo Planning Scheme — Amendments C133 and C136.
- Greater Dandenong Planning Scheme — Amendments C128 and C130.
- Greater Geelong Planning Scheme — Amendments C215, C218, C221 and C238.
- Hume Planning Scheme — Amendment C129.
- Kingston Planning Scheme — Amendment C113.
- Knox Planning Scheme — Amendment C103.
- Maribyrnong Planning Scheme — Amendment C47.
- Melton Planning Scheme — Amendment C65.
- South Gippsland Planning Scheme — Amendment C55.
- Southern Grampians Planning Scheme — Amendment C19.
- Yarra Planning Scheme — Amendments C103 and C131.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the use of small steel-jawed traps.

VicFleet Pty Ltd —

Minister's report of failure to submit report for 2009-10 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2009-10 report.

\* \* \* \* \*

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

Education and Training Reform Amendment (Skills) Act 2010 — Part 1, Part 2, Part 3 (except Divisions 3 to 5, 7 and 9), Part 4 (except sections 55(3), 56, 59 and Division 3), Part 5 and Part 6 (except section 72(1)) and the Schedule — 1 April 2011; Division 3 of Part 4 — 1 July 2011; Divisions 3, 4, 7 and 9 of Part 3 — 1 January 2012 (*Gazette No. S102, 29 March 2011*).

Justice Legislation Further Amendment Act 2010 — Part 3 — 22 March 2011 (*Gazette No. S95, 22 March 2011*).

**6 PRODUCTION OF DOCUMENTS — ALPINE GRAZING AND METROPOLITAN TRAIN TIMETABLE** — The Clerk laid on the Table a letter from the Attorney-General in response to Resolutions of the Council of 23 March 2011 seeking the production of documents relating to alpine grazing and the metropolitan train timetable —

- advising that all relevant government departments and agencies are conducting a diligent search for the documents; and
- indicating that the Government would respond to the Council's resolution as soon as possible.

On the motion of Ms Pennicuik, the letter from the Attorney-General was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 6 April 2011:

- (1) the Notice of Motion given this day by Mr Lenders relating to job security;
- (2) the Notice of Motion given this day by Mr Barber relating to a reference to the Economy and Infrastructure References Committee relating to metropolitan train timetables;
- (3) Notice of Motion No. 2 standing in the name of Mr Viney relating to the funding of the Government's election promises;
- (4) Order of the Day No. 4, relating to the production of certain Australian Grand Prix Corporation documents;

- (5) a motion to take note of the Attorney-General's letter of 5 April 2011 relating to certain alpine grazing and metropolitan train timetable documents; and
- (6) Order of the Day No. 5, resumption of debate on a motion relating to kindergarten funding.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and Notices of Motion, Government Business, Nos. 3, 7, 22, 24, 25, and 29 to 31, be postponed until later this day.

**10 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — REFERENCE** — Mr D.M. Davis moved, That this House requires the Environment and Planning References Committee to inquire into, consider and report on the contribution of environmental design to prevention and public health in Victoria, and in particular —

- (1) review the evidence of the contribution of the natural and built environments to the promotion of health and well being;
- (2) identify and report on those elements of environmental planning and design which provide the most promising opportunities for improving health outcomes in Victoria;
- (3) assess the extent to which these factors are currently taken into account in environmental planning and design in both the public and private sectors, and their effectiveness, with particular reference to new growth areas;
- (4) determine opportunities to influence environmental planning and design for health, including consideration of the role of legislation, guidelines, and public-private partnerships, and the costs and benefits of various options; and
- (5) provide recommendations for future planning and investment; and that the Committee will consider:
  - (a) the effectiveness of the Environments for Health Municipal Public Health Planning Framework;
  - (b) the State Public Health and Wellbeing Act 2008, the Transport Integration Act 2010 and the Planning and Environment Act 1987;
  - (c) international experience such as the World Health Organisation's (WHO) Healthy Cities initiative;
  - (d) the consistency of policy approaches across the Victorian Government to promote health through evidence based environmental planning and design measures; and
  - (e) the role of public open space in promoting health;

and that the Committee present its final report to Parliament no later than 12 months after this reference is given to the Committee.

Debate ensued.

Mr Lenders moved, as an amendment, That the words "Environment and Planning References" be omitted with the view of inserting in their place "Family and Community Development".

Debate ensued.

Question — That the amendment moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

NOES, 21

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Jennings

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis

Ms Hartland ( <i>Teller</i> )	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis ( <i>Teller</i> )	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negated.

Question — That this House requires the Environment and Planning References Committee to inquire into, consider and report on the contribution of environmental design to prevention and public health in Victoria, and in particular:

- (1) review the evidence of the contribution of the natural and built environments to the promotion health and well being;
- (2) identify and report on those elements of environmental planning and design which provide the most promising opportunities for improving health outcomes in Victoria;
- (3) assess the extent to which these factors are currently taken into account in environmental planning and design in both the public and private sectors, and their effectiveness, with particular reference to new growth areas;
- (4) determine opportunities to influence environmental planning and design for health, including consideration of the role of legislation, guidelines, and public-private partnerships, and the costs and benefits of various options; and
- (5) provide recommendations for future planning and investment; and that the Committee will consider:
  - (a) the effectiveness of the Environments for Health Municipal Public Health Planning Framework;
  - (b) the State Public Health and Wellbeing Act 2008, the Transport Integration Act 2010 and the Planning and Environment Act 1987;
  - (c) international experience such the World Health Organisation's (WHO) Healthy Cities initiative;
  - (d) the consistency of policy approaches across the Victorian Government to promote health through evidence based environmental planning and design measures; and
  - (e) the role of public open space in promoting health;

and that the Committee present its final report to Parliament no later than 12 months after this reference is given to the Committee.

— put and agreed to.

**11 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — REFERENCE** — Mr D.M. Davis moved, That this House requires the Economy and Infrastructure References Committee to inquire into, consider and report on the measurement, including budget measures, of primary health and aged care services and outcomes, and in particular whether —

- (1) Australia, like most other western countries, should mandate the provision of information on the reasons people receive primary care treatments i.e. epidemiological coding according to the International Classification of Primary Care or similar;

- (2) Australia should mandate the provision of waiting times and waiting lists for primary care services;
- (3) Australia should mandate the requirement for provision of information about outcome measures, such as appropriate treatment for all patients with diabetes in primary care settings, appropriate treatments for asthma in those settings and so on;
- (4) conditions for which hospitalisations can be avoided should be considered a surrogate for the adequacy of our primary health care system;
- (5) actual rates of provision of residential aged care for each community should be provided, as opposed to bed ratios;
- (6) comparable rates of community care alternatives should be provided for these communities;
- (7) quality criteria for residential aged care across a community and for each individual setting should be more clearly available and provided; and
- (8) potentially unnecessary or avoidable hospitalisations of patients in residential care should be used as a surrogate indicator for poor care in these settings;

and that the Committee present its final report to Parliament no later than 12 months after this reference is given to the Committee.

Debate ensued.

Mr Viney moved, as an amendment, That the words "Economy and Infrastructure References" be omitted with the view of inserting in their place "Family and Community Development".

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis ( <i>Teller</i> )
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie
Mr Viney	Mrs Petrovich ( <i>Teller</i> )
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That this House requires the Economy and Infrastructure References Committee to inquire into, consider and report on the measurement, including budget measures, of primary health and aged care services and outcomes, and in particular whether —

- (1) Australia, like most other western countries, should mandate the provision of information on the reasons people receive primary care treatments i.e. epidemiological coding according to the International Classification of Primary Care or similar;

- (2) Australia should mandate the provision of waiting times and waiting lists for primary care services;
- (3) Australia should mandate the requirement for provision of information about outcome measures, such as appropriate treatment for all patients with diabetes in primary care settings, appropriate treatments for asthma in those settings and so on;
- (4) conditions for which hospitalisations can be avoided should be considered a surrogate for the adequacy of our primary health care system;
- (5) actual rates of provision of residential aged care for each community should be provided, as opposed to bed ratios;
- (6) comparable rates of community care alternatives should be provided for these communities;
- (7) quality criteria for residential aged care across a community and for each individual setting should be more clearly available and provided; and
- (8) potentially unnecessary or avoidable hospitalisations of patients in residential care should be used as a surrogate indicator for poor care in these settings.

and that the Committee present its final report to Parliament no later than 12 months after this reference is given to the Committee.

— put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza (*Teller*)

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg (*Teller*)

Mr Scheffer

Ms Lovell

Mr Somyurek (*Teller*)

Mr O'Brien

Mr Tarlamis

Mr O'Donohue (*Teller*)

Mr Tee

Mr Ondarchie

Ms Tierney

Mrs Petrovich

Mr Viney

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**13 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford ( <i>Teller</i> )
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

**14 BUILDING AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Dalla-Riva moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Jennings ( <i>Teller</i> )
Mr Drum	Ms Hartland
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula ( <i>Teller</i> )
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis

Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

Debate continued on the question, That the Building Amendment Bill 2011 be now read a second time.

Amendments proposed to be moved in Committee by Mr Tee 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.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 6 APRIL 2011

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 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 12.53 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 12 — Wednesday, 6 April 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 349 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

\* \* \* \* \*

**ALTONA LOOP TRAIN SERVICES** — Ms Hartland presented a Petition bearing 1,730 signatures from certain citizens of Victoria requesting that the proposed changes to the train timetable which will cut services to the Altona Loop be rejected.

Ordered to lie on the Table.

On the motion of Ms Hartland, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**BLACKBURN PRIMARY SCHOOL** — Mrs Kronberg presented a Petition bearing 197 signatures from certain citizens of Victoria requesting that the Government increase the funding for the Blackburn Primary School modernisation project to allow for the redevelopment including approved special factors to proceed.

Ordered to lie on the Table.

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

Auditor-General's reports on —

Facilitating Renewable Energy Development, April 2011.

Problem-Solving Approaches to Justice, April 2011.

Parliamentary Committees Act 2003 —

Government Response to the Family and Community Development Committee's Report on the Adequacy and Future Directions of Public Housing in Victoria.

Government Response to the Outer Suburban/Interface Services and Development Committee's Report on Farmers' Markets.

Special Investigations Monitor — Report 2009-10, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Statutory Rule under the Building Act 1993 — No. 14.

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

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 JOB CREATION POLICIES** — Mr Lenders moved, That this House notes that the Australian dollar is at a record high against the US dollar and against the currencies of most of our other major trading partners and that Victorian businesses and families are seeing the pressures rise on their job security as a consequence and calls on the Baillieu-Ryan Government to demonstrate any plans it may have to —

- (a) save and grow jobs in agriculture and manufacturing which it claims are its top priority, and in particular what it is doing to save the jobs being shed by National Foods in Campbellfield and Simpson;
- (b) grow jobs on shore in skills, particularly as it spent its time in Opposition trashing our State's reputation in India;
- (c) grow jobs in ICT, or is it simply relying on a business as usual approach;
- (d) grow jobs in financial services, particularly as it has scrapped the role of a designated financial services portfolio to promote Victoria;
- (e) grow jobs in tourism, as it has pledged to reduce the very Government advertising that is so critical with our strong dollar;
- (f) enable Regional Development Victoria to exercise its key job creation function without the economic development and job creation functions taken from it by the General Order; and
- (g) determine a jobs target for Victoria.

Debate ensued.

On the motion of Mr Viney, the debate was adjourned until the next day of meeting.

**6 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — REFERENCE** —

Mr Barber moved, That this House requires the Standing Committee on Economy and Infrastructure References Committee to inquire into, consider and report on the changes to the metropolitan train timetable which are proposed to commence on 8 May 2011 and that the Committee present its final report to Parliament no later than 2 June 2011.

Debate ensued.

Mr O'Donohue moved, That the debate be adjourned for one week.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**PREMIER'S PRIVATE OFFICE** — Mr D.M. Davis having given answers to questions without notice relating to the Premier's Private Office —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**8 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — REFERENCE —**

Debate continued on the question, That the debate be adjourned for one week.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson  
Mrs Coote (*Teller*)  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**9 GOVERNMENT ELECTION COMMITMENTS —** Mr Viney moved, That this House congratulates the Liberal National Coalition parties on their election to Government and calls on the Leader of the Government to —

- (1) give a commitment to the House that the Government will honour all of its election commitments in full;
- (2) make available to the House the full cost of each election commitment made by the Coalition as advised by the Department of Treasury and Finance; and
- (3) advise the House the means by which these costs will be met including:
  - (a) any proposed revenue raising measures;
  - (b) any program and service cuts.

Debate ensued.

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

**10 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION — LETTER FROM ATTORNEY-GENERAL, 21 MARCH 2011 —**

Ms Pennicuik moved, That the Council take note of the letter from the Attorney-General dated 21 March 2011 in relation to the Council's Resolution of 2 March 2011 requiring the production of documents in relation to the Australian Grand Prix Corporation.

Debate ensued.

Question — put and agreed to.

**11 PRODUCTION OF DOCUMENTS — ALPINE GRAZING AND METROPOLITAN TRAIN TIMETABLE — LETTER FROM ATTORNEY-GENERAL, 5 APRIL 2011 —**

Ms Pennicuik moved, That the Council take note of the letter from the Attorney-General dated 5 April 2011 in relation to the Council's Resolution of 23 March 2011 requiring the production of documents in relation to Alpine Grazing and the metropolitan train timetable.

Debate ensued.

Question — put and agreed to.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, and the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed for one week.
- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 14 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.  
Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.
- And then the Council, at 6.20 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 13 — Thursday, 7 April 2011

- 1 The President took the Chair and read the Prayer.
- 2 LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to impose further restrictions on the supply of liquor to minors* and requesting the agreement of the Council.  
On the motion of Mr Guy, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 3 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 to provide additional grounds on which the Director of Housing may give a tenant a notice to vacate and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Lovell, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to establish the Health Innovation and Reform Council and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr D.M. Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 5 MULTICULTURAL VICTORIA BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal and re-enact with amendments the Multicultural Victoria Act 2004 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Guy, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to Invitations to Apply for the grant of the Keno Licence, April 2011.
  - Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on Victoria's *Audit Act 1994*.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 SENTENCING FURTHER AMENDMENT BILL 2010** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until a full public evaluation of the provisions of the Sentencing Amendment Act 2010 passed by this Parliament in October 2010 is undertaken."

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

## AYES, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

## NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**LATROBE VALLEY INVESTMENTS** — Mr Dalla-Riva having given an answer to a question without notice relating to Latrobe Valley investments —

On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**11 SENTENCING FURTHER AMENDMENT BILL 2010** — Bill further considered 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.

**12 BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber 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.

**13 REGIONAL GROWTH FUND BILL 2011** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Mr Barber

Mrs Coote (*Teller*)

Ms Broad (*Teller*)

Ms Crozier

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos

Mr Hall

Mr Pakula

Mr Koch

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie

Mr Tee

Mrs Petrovich

Ms Tierney (*Teller*)

Mrs Peulich

Mr Viney

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question agreed to.

Debate continued in Committee on the Regional Growth Fund Bill 2011.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 8 APRIL 2011

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.

**14 JUSTICE LEGISLATION AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, That the debate be adjourned for one week.

Debate ensued.

Question — put and agreed to.

**15 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 3 May 2011.

Question — put and agreed to.

**16 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.

And then the Council, at 2.09 a.m., adjourned until Tuesday, 3 May 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 11, 12 and 13

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**Tuesday, 5 April 2011**

### **1 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011**

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, line 3, omit "to change" and insert "to—".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos (*Teller*)  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**Bill reported without amendment.**

### **2 BUILDING AMENDMENT BILL 2011**

**Clauses 1 to 4** — put and agreed to.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 6 APRIL 2011

**Clause 5** — Mr Tee moved —

1. Clause 5, page 6, line 31, omit "subsection." and insert "subsection;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis ( <i>Teller</i> )	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

## Mr Tee moved —

3. Clause 5, page 7, line 23, after "regard to" insert "the object of removing discrimination as far as possible and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders ( <i>Teller</i> )	Mr Finn
Ms Mikakos ( <i>Teller</i> )	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich

Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.  
Clause 5 — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 7 April 2011

### 1 SENTENCING FURTHER AMENDMENT BILL 2011

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders.*

Committee resumed.

Clause 1 — put and agreed to.

**Clauses 2 to 8** — put and agreed to.

**Bill reported without amendment.**

### 2 BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011

**Clauses 1 to 11** — put and agreed to.

**Clause 12** — Mr Barber moved —

1. Clause 12, lines 33 to 34, omit all words and expressions on these lines and insert—
  - "(a) consider the adequacy of the Implementation Plan in relation to the recommendations made in the Final Report;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos ( <i>Teller</i> )	Mr Guy
Mr Pakula ( <i>Teller</i> )	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie

Ms Tierney  
Mr Viney

Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negatived.  
Clause 12 — put and agreed to.

**Clauses 13 to 25** — put and agreed to.

**Bill reported without amendment.**

### 3 REGIONAL GROWTH FUND BILL 2011

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Lenders moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr ( <i>Teller</i> )	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.  
Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 8 APRIL 2011

**Clauses 5 to 10** — put and agreed to.

**Clause 11** — Mr Jennings moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders (*Teller*)  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis (*Teller*)  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Clause 11 — put and agreed to.

**Clauses 12 to 17** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 14, 15 and 16

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#### No. 14 — Tuesday, 3 May 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 12 April 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Building Amendment Act 2011*

*Bushfires Royal Commission Implementation Monitor Act 2011*

*Parliamentary Committees Amendment Act 2011*

*Regional Growth Fund Act 2011*

*Sentencing Further Amendment Act 2011.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

**ASHBURTON, ASHWOOD AND GLEN IRIS SCHOOLS FUNDING** — Mr Lenders presented a Petition bearing 83 signatures from certain citizens of Victoria requesting that the Council take the necessary action to ensure that funding for State schools in Ashburton, Ashwood and Glen Iris is not cut, thereby ensuring continued high quality education for the students.

Ordered to lie on the Table.

\* \* \* \* \*

**EASTERN AUTISTIC SCHOOL** — Mr Leane presented a Petition bearing 144 signatures from certain citizens of Victoria requesting that the Government provide funding in the 2011-12 State Budget to complete Stage 2 of the Eastern Autistic School in Ferntree Gully, to benefit the children and their families for whom this facility is urgently needed.

Ordered to lie on the Table.

- 5 **PAPERS** —

**AUSTRALIAN CATHOLIC UNIVERSITY AND MELBOURNE COLLEGE OF DIVINITY** — Mr Hall moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2010 and the Melbourne College of Divinity Report, 2010.

Question — put and agreed to.

The reports were presented by Mr Hall and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 4 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

- Adult Multicultural Education Services — Report, 2010.
- Bendigo Regional Institute of TAFE — Report, 2010.
- Box Hill Institute of TAFE — Report, 2010.
- Central Gippsland Institute of TAFE — Report, 2010.
- Centre for Adult Education — Report, 2010.
- Chisholm Institute of TAFE — Report, 2010.
- Crown Land (Reserves) Act 1978 —
  - Minister's Order of 20 April 2011 giving approval to the granting of a lease at O'Donnell Gardens.
  - Minister's Order of 11 April 2011 giving approval to the granting of a licence at Edinburgh Gardens Reserve.
- Deakin University — Report, 2010.
- Driver Education Centre of Australia Ltd — Report, 2010.
- East Gippsland Institute of TAFE — Report, 2010.
- Gordon Institute of TAFE — Report, 2010.
- Goulburn Ovens Institute of TAFE — Report, 2010.
- Holmesglen Institute of TAFE — Minister's report of failure to submit report for 2010 to the Minister within the prescribed period and the reasons therefor.
- Kangan Batman Institute of TAFE — Report, 2010.
- La Trobe University — Report, 2010.
- Monash University — Report, 2010.
- Northern Melbourne Institute of TAFE — Report, 2010.
- Parliamentary Committees Act 2003 — Government Response to the Drugs and Crime Prevention Committee's Report on the Impact of Drug-Related Offending on Female Prisoner Numbers.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
  - Brimbank Planning Scheme — Amendment C143.
  - East Gippsland Planning Scheme — Amendment C71.
  - Frankston Planning Scheme — Amendment C53.
  - Glenelg Planning Scheme — Amendment C60.
  - Greater Bendigo Planning Scheme — Amendment C128 Part 2.
  - Greater Dandenong Planning Scheme — Amendments C114 and C118.
  - Hume Planning Scheme — Amendment C151.
  - Latrobe Planning Scheme — Amendments C30 and C57.
  - Mornington Peninsula Planning Scheme — Amendment C154.
  - Mount Alexander Planning Scheme — Amendment C37.
  - Nillumbik Planning Scheme — Amendment C40.
  - Victoria Planning Provisions — Amendment VC79.
  - Yarra Planning Scheme — Amendment C112.
  - Yarra Ranges Planning Scheme — Amendment C104.
- Royal Melbourne Institute of Technology — Report, 2010.
- South West Institute of TAFE — Report, 2010.
- Special Investigations Monitor's Office — Report for the period 1 July to 31 December 2010, pursuant to section 30Q of the Surveillance Devices Act 1999.
- Statutory Rules under the following Acts of Parliament:
  - Alpine Resorts (Management) Act 1997 — No. 17.
  - Building Act 1993 — Nos. 20, 21 and 22.
  - First Home Owner Grant Act 2000 — No. 25.
  - Infringements Act 2006 — No. 16.
  - Local Government Act 1989 — No. 19.
  - Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 18.
  - Residential Tenancies Act 1997 — No. 23.
  - Supreme Court Act 1986 — No. 15.

Transport (Compliance and Miscellaneous) Act 1983 — No. 24.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 17, 18 and 20 to 24.  
 Sunraysia Institute of TAFE — Report, 2010.  
 Swinburne University of Technology — Report, 2010.  
 University of Ballarat — Report, 2010.  
 University of Melbourne — Report, 2010.  
 Victoria University — Report, 2010.  
 Victorian Law Reform Commission — Final Report on Easements and Covenants.  
 William Angliss Institute of TAFE — Report, 2010.  
 Wodonga Institute of TAFE — Report, 2010.

\* \* \* \* \*

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

Police Regulation Amendment (Protective Services Officers) Act 2011 — 21 April 2011 (*Gazette No. S125, 19 April 2011*).

Sentencing Amendment Act 2010 — Part 1, sections 3 (other than paragraphs (b) to (e)), 12, 27 and 28 — 1 May 2011 (*Gazette No. S125, 19 April 2011*).

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Remaining provisions of Part 2 — 1 May 2011 (*Gazette No. S125, 19 April 2011*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 4 May 2011:

- (1) the Notice of Motion given this day by Ms Pulford relating to JobWatch;
- (2) Order of the Day No. 5, relating to kindergarten funding;
- (3) Notice of Motion No. 53 standing in the name of Ms Pennicuik relating to the production of alpine grazing documents;
- (4) Notice of Motion No. 57 standing in the name of Mr Barber relating to the production of advanced metering infrastructure documents;
- (5) Order of the Day No. 7, relating to a reference to the Economy and Infrastructure References Committee;
- (6) the Notice of Motion given this day by Mr Barber relating to a reference to the Environment and Natural Resources Committee; and
- (7) Notice of Motion No. 23 standing in the name of Mr Tee relating to the cost of living.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

**9 LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned until the next day of meeting.

**10 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Ms Lovell 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 Lovell, the second reading speech was incorporated into Hansard.

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

On the motion of Ms Mikakos, the debate was adjourned until the next day of meeting.

**11 HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL)**

**BILL 2011** — Ms Lovell (for Mr D.M. Davis) 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 Lovell, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned until the next day of meeting.

**12 MULTICULTURAL VICTORIA BILL 2011** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

Mr Leane moved, That the debate be adjourned until the next day of meeting.

Question — put and negatived.

Debate continued 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.

**13 BUDGET PAPERS, 2011-12** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the following 2011-12 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Strategy and Outlook (Budget Paper No. 2);
- (c) Service Delivery (Budget Paper No. 3);
- (d) State Capital Program (Budget Paper No. 4); and
- (e) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 5).

Question — put and agreed to.

The papers were presented by Mr Rich-Phillips and ordered to lie on the Table.

Mr Rich-Phillips moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

**14 JUSTICE LEGISLATION AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 2

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Pennicuik (*Teller*)

Mrs Coote

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn (*Teller*)

Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Justice Legislation Amendment Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr ( <i>Teller</i> )	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford ( <i>Teller</i> )	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue ( <i>Teller</i> )
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question 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 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010 —**

Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Bill to be committed to a Committee of the whole on the next day of meeting.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

**16 ADJOURNMENT —** The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.20 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 15 — Wednesday, 4 May 2011

1 The President took the Chair and read the Prayer.

2 **PETITION — KINDERGARTEN FUNDING —** Ms Mikakos presented a Petition bearing 293 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

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:

Anti-Cancer Council Victoria — Report, 2010.

Auditor-General's reports on —

Managing Student Safety, May 2011.

Revitalising Central Dandenong, May 2011.

Ombudsman — Report on the Investigation into the improper release of autopsy information by a Victorian Institute of Forensic Medicine employee, May 2011.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 26.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2010.

4 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.12.

5 **JOBWATCH FUNDING —** Ms Pulford moved, That this House condemns the Minister for Employment and Industrial Relations for deciding to cease funding Jobwatch and notes that —

(1) Jobwatch is a vital service that provides free and confidential advice;

(2) Jobwatch has provided assistance to over 200,000 Victorian workers and recovered over \$3 million in entitlements in the past 10 years;

- (3) Jobwatch has enjoyed the support of State governments of all political persuasions for over 30 years;
- (4) the Minister's actions may force Jobwatch to close its doors as soon as 30 June 2011, leaving many of Victoria's most vulnerable workers, without a service that provides information and advice about workplace bullying, sexual harassment, illegal underpayment and unfair dismissal; and
- (5) the Minister's letter of 17 March 2011 to the Executive Director of Jobwatch states that "it is my assessment that the activities for which the previous Government provided funding are no longer clearly aligned to the objectives of my department", and calls on the Minister to explain his statement.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 JOBWATCH FUNDING** — Debate continued on the question, That this House condemns the Minister for Employment and Industrial Relations for deciding to cease funding Jobwatch and notes that —

- (1) Jobwatch is a vital service that provides free and confidential advice;
- (2) Jobwatch has provided assistance to over 200,000 Victorian workers and recovered over \$3 million in entitlements in the past 10 years;
- (3) Jobwatch has enjoyed the support of State governments of all political persuasions for over 30 years;
- (4) the Minister's actions may force Jobwatch to close its doors as soon as 30 June 2011, leaving many of Victoria's most vulnerable workers, without a service that provides information and advice about workplace bullying, sexual harassment, illegal underpayment and unfair dismissal; and
- (5) the Minister's letter of 17 March 2011 to the Executive Director of Jobwatch states that "it is my assessment that the activities for which the previous Government provided funding are no longer clearly aligned to the objectives of my department", and calls on the Minister to explain his statement.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane ( <i>Teller</i> )	Mr P.R. Davis
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch ( <i>Teller</i> )
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**8 KINDERGARTEN FUNDING** — Debate resumed on the question, That this House —

- (1) notes that Victoria is experiencing a baby boom, with 200 babies born each day, increasing demand for more kindergarten places;
- (2) notes that the Council of Australian Governments (COAG) agreed to increase four year old kindergarten hours from 10 to 15 hours per week by 2013, which will further add to that demand;
- (3) notes that the Baillieu Government has made no commitment to the Young Readers Program;
- (4) notes that the Baillieu Government has made no commitment to Play, Learning and Equipment Grants for community-based kindergartens;
- (5) notes that the Baillieu Government has made no commitment to expand toy libraries and playgroups that enhance the development of children younger than three years old;
- (6) notes the lack of recognition by the Baillieu Government of the professional development needs of staff working in the early childhood sector;
- (7) condemns the Baillieu Government for only committing \$15 million over four years for kindergarten capital funding, which will mean that most of Victoria's kindergartens will miss out;
- (8) calls on the Baillieu Government to amend the Education and Training Reform Act 2006 to allow for the registration of kindergarten teachers through the Victorian Institute of Teaching; and
- (9) calls on the Baillieu Government to provide considerably more funding for kindergarten capital funding, to ensure that all of Victoria's pre-school children have the best start to their education.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Ms Mikakos	Mr Elsbury
Mr Pakula	Mr Finn
Ms Pennicuik	Mr Guy
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek ( <i>Teller</i> )	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee ( <i>Teller</i> )	Mr O'Donohue
Ms Tierney	Mr Ondarchie ( <i>Teller</i> )
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )

Question negatived.

**9 PRODUCTION OF DOCUMENTS — ALPINE GRAZING** — The Clerk laid on the Table correspondence (and related documents) between the Department of Sustainability and Environment and the University of Melbourne, relating to the proposed research program on Alpine Grazing, and the document "Department of Sustainability and Environment/Department of Forest and Ecosystem Science Research Program Charter" pursuant to an Order of the Council on 23 March 2011.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 53, be postponed until later this day.

**11 PRODUCTION OF DOCUMENTS — ADVANCED METERING INFRASTRUCTURE DETERMINATIONS** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 24 May 2011 a copy of all submissions from the State of Victoria, since 27 November 2010, to the Australian Energy Regulator on the Advanced Metering Infrastructure determinations.

Debate ensued.

Question — put and agreed to.

**12 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — REFERENCE** — Debate resumed on the question, That this House requires the Standing Committee on Economy and Infrastructure References Committee to inquire into, consider and report on the changes to the metropolitan train timetable which are proposed to commence on 8 May 2011 and that the Committee present its final report to Parliament no later than 2 June 2011.

Ms Pulford moved, as an amendment, That “and changes to regional train timetables” be inserted after “to commence on 8 May 2011”.

Debate ensued.

Question — That the amendment moved by Ms Pulford be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 17	NOES, 19
Mr Barber ( <i>Teller</i> )	Mrs Coote
Ms Broad	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane ( <i>Teller</i> )	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That this House requires the Standing Committee on Economy and Infrastructure References Committee to inquire into, consider and report on the changes to the metropolitan train timetable which are proposed to commence on 8 May 2011 and that the Committee present its final report to Parliament no later than 2 June 2011 — put.

The Council divided — The Deputy President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mrs Coote
Ms Broad	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders ( <i>Teller</i> )	Mr Elsbury

Ms Mikakos	Mr Finn
Mr Pakula ( <i>Teller</i> )	Mr Guy ( <i>Teller</i> )
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 13 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — REFERENCE** — Mr Barber moved, That this House acknowledges that, as a result of the prorogation of the 56th Parliament, the Environment and Natural Resources Committee was unsuccessful in producing a report into the environmental effects statement processes in Victoria and therefore this House again requires the Environment and Natural Resources Committee, utilising the evidence it previously gathered in the 56th Parliament, to inquire into, consider and report by 1 September 2011, on the environmental effects statement processes in Victoria, including the operation of the *Environment Effects Act 1978*, and in particular —
- any weaknesses in the current system, including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
  - community and industry consultation under the Act;
  - the independence of environmental effects examination when government is the proponent; and
  - how better environmental outcomes can be achieved more quickly and predictably and with a reduction in unnecessary costs.

Debate ensued.

Question — put and agreed to.

**14 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.

Ordered — That the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.

- 15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

- 17 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.

And then the Council, at 6.10 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 16 — Thursday, 5 May 2011

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2010.
  - Gambling Regulation Act 2003 — Keno Licence and Related Agreement, May 2011.
- 3 **PRODUCTION OF DOCUMENTS — METROPOLITAN TRAIN TIMETABLE** — The Clerk laid on the Table documents relating to the introduction of a new or “Greenfields” timetable, together with a letter from the Minister for Roads and Minister for Public Transport dated 5 May 2011, pursuant to an Order of the Council on 23 March 2011.  
On the motion of Mr Barber, the documents and the letter from the Minister for Roads and Minister for Public Transport were ordered to be taken into consideration on the next day of meeting.
- 4 **MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.
- 6 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010** — 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.
- 7 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 9 **COUNTRY FIRE AUTHORITY AMENDMENT (VOLUNTEER CHARTER) BILL 2011** — Debate continued on the question, That the Bill be now read a second time.  
Question — put and agreed to.  
Ms Hartland moved, That the Country Fire Authority Amendment (Volunteer Charter) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report.  
Debate ensued.  
Question — put.  
The Council divided — The President in the Chair.
 

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn

Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall ( <i>Teller</i> )
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee ( <i>Teller</i> )	Mr O'Donohue
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Mr Dalla-Riva moved, by leave, That the Bill be now read a third time.

Question — put and agreed to.

Bill 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.

**10 LIQUOR CONTROL REFORM AMENDMENT BILL 2011** — 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 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.

**11 WYNDHAM PLANNING SCHEME AMENDMENT C93** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Wyndham Planning Scheme Amendment C93 be ratified.

Debate ensued.

Question — put and agreed to.

**12 JOINT INVESTIGATORY COMMITTEES** — Mr D.M. Davis moved —

- (1) **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — That Mrs Peulich be a member of the Economic Development and Infrastructure Committee.
- (2) **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — That Mr Koch be a member of the Environment and Natural Resources Committee.
- (3) **LAW REFORM COMMITTEE** — That Mrs Petrovich be a member of the Law Reform Committee.
- (4) **ROAD SAFETY COMMITTEE** — That Mr Elsbury be a member of the Road Safety Committee.
- (5) **RURAL AND REGIONAL COMMITTEE** — That Mr Drum be a member of the Rural and Regional Committee.

Debate ensued.

Question — put and agreed to.

**13 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 24 May 2011.

Question — put and agreed to.

**14 CRIMES AMENDMENT (BULLYING) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Stalking*

*Intervention Orders Act 2008 and the Personal Safety Intervention Orders Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 15 DENTAL HOSPITAL LAND BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of the permanent reservation of the former Dental Hospital and Dental School site in Parkville to facilitate the construction of the Victorian Comprehensive Cancer Centre on that site, to make consequential amendments to the Royal Melbourne Hospital Act 1935 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 16 FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Family Violence Protection Act 2008, the Personal Safety Intervention Orders Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 5.59 p.m., adjourned until Tuesday, 24 May 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 14, 15 and 16

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**Tuesday, 3 May 2011**

### 1 JUSTICE LEGISLATION AMENDMENT BILL 2011

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Pennicuik moved —

1. Clause 4, page 9, line 18, after "with subsection (2)" **insert** "or section 106L".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Barber (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall (*Teller*)  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 13** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 5 May 2011

### 1 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Pennicuik moved —

1. Clause 3, page 5, line 16, after "vehicle" (where first occurring) insert "that is owned or operated by the school or the Department,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES 17

Mr Barber  
Ms Broad  
Mr Eideh (*Teller*)  
Mr Elasmarr (*Teller*)  
Mr Jennings  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES 19

Mrs Coote  
Ms Crozier  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy (*Teller*)  
Mr Hall  
Mr Koch (*Teller*)  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Ms Pennicuik moved —

2. Clause 3, page 6, line 22, after "vehicle" (where first occurring) insert "that is owned or operated by the school or the Department,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Mr Leane

NOES 19

Mrs Coote  
Ms Crozier  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)

Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis ( <i>Teller</i> )	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negated.

Clause 3 — put and agreed to.

**Clauses 4 to 8** — put and agreed to.

**Bill reported without amendment.**

## **2 LIQUOR CONTROL REFORM AMENDMENT BILL 2011**

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 17, 18 and 19

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#### No. 17 — Tuesday, 24 May 2011

- 1 The President took the Chair and read the Prayer.
- 2 **DEATH OF SERGEANT BRETT WOOD** — The President advised the House of the death of Sergeant Brett Wood, killed in Afghanistan on 23 May 2011.  
Members stood in their places as a mark of respect to the memory of the deceased.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, on 10 May 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Country Fire Authority Amendment (Volunteer Charter) Act 2011*
  - Education and Training Reform Amendment (School Safety) Act 2011*
  - Justice Legislation Amendment Act 2011*
  - Liquor Control Reform Amendment Act 2011*
  - Multicultural Victoria Act 2011.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —
    - ANNUAL REVIEW 2010** — Mr O'Donohue presented the Annual Review 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*
    - ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 5 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*
  - 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 — Annual Plan, 2011-12.
    - Crown Land (Reserves) Act 1978 — Minister's Order of 13 April 2011 giving approval to the granting of a licence at Mayors Park Reserve.
    - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
      - Bass Coast Planning Scheme — Amendment C119.
      - Boroondara Planning Scheme — Amendment C118.
      - Brimbank Planning Scheme — Amendment C117.

- Campaspe Planning Scheme — Amendments C78 and C83.
  - Colac Otway Planning Scheme — Amendment C63.
  - Darebin Planning Scheme — Amendment C106.
  - Glen Eira Planning Scheme — Amendments C64 and C76.
  - Greater Dandenong Planning Scheme — Amendments C135 and C136.
  - Hobsons Bay Planning Scheme — Amendment C78.
  - Horsham Planning Scheme — Amendment C47.
  - Latrobe Planning Scheme — Amendment C56.
  - Macedon Ranges Planning Scheme — Amendment C69 Part 1.
  - Maribyrnong Planning Scheme — Amendment C63.
  - Moira Planning Scheme — Amendment C67.
  - Monash Planning Scheme — Amendment C102.
  - Nillumbik Planning Scheme — Amendments C62 and C68.
  - Wodonga Planning Scheme — Amendment C84.
  - Yarra Ranges Planning Scheme — Amendment C95.
- Statutory Rules under the following Acts of Parliament:
- Evidence (Miscellaneous Provisions) Act 1958 — No. 28.
  - Subordinate Legislation Act 1994 — No. 27.
  - Supreme Court Act 1986 — No. 26.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 16 and 19.
- Victorian Environmental Assessment Council — Final Report on Remnant Native Vegetation Investigation, March 2011.

\* \* \* \* \*

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

Regional Growth Fund Act 2011 — 1 June 2011 (*Gazette No. S150, 17 May 2011*).

Water Amendment (Victorian Environmental Water Holder) Act 2010 — Remaining provisions — 1 July 2011 (*Gazette No. S141, 3 May 2011*).

**6 PRODUCTION OF DOCUMENTS — ADVANCED METERING INFRASTRUCTURE** — The Clerk laid on the Table a letter from the Minister for Energy and Resources dated 23 May 2011 in response to the resolution of the Council of 4 May 2011 seeking the production of documents relating to Advanced Metering Infrastructure determinations —

- advising that the Australian Energy Regulator (AER) is currently conducting a review to determine advanced metering budgets and charges for distributors for the 2012-15 regulatory period;
- advising that the AER is expected to publish its draft determination in July, with the final determination due by 31 October 2011 and that in accordance with previous practice the Government will make a submission in response to the draft determination; and
- stating that there are currently no documents within the terms of the Council's resolution.

On the motion of Mr Barber, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 25 May 2011:

- (1) Notice of Motion No. 81 standing in the name of Mr Lenders relating to the referral of a matter to the Privileges Committee;
- (2) Notice of Motion No. 77 standing in the name of Mr Barber relating to the production of Carbon Capture and Storage Flagships program documents;
- (3) a Notice of Motion given this day by Ms Pennicuik to take note of alpine grazing documents;
- (4) the Notice of Motion given this day by Mr Tee relating to the revocation of Glenelg Planning Scheme Amendment C60;

- (5) Notice of Motion No. 76 standing in the name of Mr Barber relating to the review of the premium solar feed in tariff scheme;
- (6) the Notice of Motion given this day by Mr Pakula relating to the production of the Vincent Report into the operations of the Office of Public Prosecutions;
- (7) Order of the Day No. 9, relating to metropolitan train timetable documents; and
- (8) the Notice of Motion given this day by Ms Pennicuik relating to the production of Australian Grand Prix documents.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

**10 VICTORIA LAW FOUNDATION AMENDMENT BILL 2011** — 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.

**11 HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011** — 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 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.

**12 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION** — The Clerk laid on the Table a letter from the Attorney-General dated 24 May 2011 in response to the resolution of the Council of 2 March 2011 seeking the production of documents relating to the Australian Grand Prix Corporation, advising that the Government is continuing to process its response to this Order, is currently assessing relevant documents and will endeavour to respond shortly.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**14 BUDGET PAPERS, 2011-12** — Mr D.M. Davis moved, That the Council take note of the Budget Papers, 2011-12.

Debate ensued.

On the motion of Mr Elsbury, the debate was adjourned until the next day of meeting.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until the next day of meeting.

**16 DENTAL HOSPITAL LAND BILL 2011** — 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 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.

**17 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.07 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 18 — Wednesday, 25 May 2011

1 The President took the Chair and read the Prayer.

2 **PETITION — KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 185 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

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

Auditor-General's reports on —

Early Childhood Development Services: Access and Quality, May 2011.

Tertiary Education and Other Entities: Results of the 2010 Audits, May 2011.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **PRIVILEGES COMMITTEE REFERENCE** — Mr Lenders moved, That there be referred to the Privileges Committee for inquiry and report the failure by the Leader of the Government, Mr David Davis, to fully meet his obligations under the Code of Conduct prescribed by the *Members of Parliament (Register of Interests) Act 1978* as evidenced by his answer to a Question without Notice given in this House on 4 May 2011 that no Minister, to his knowledge, had accepted funds for private advantage and his subsequent answer relating to himself indicating that he may have received such a benefit, in apparent breach of section 3(c) of the *Members of Parliament (Register of Interests) Act 1978*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

- 6 PRODUCTION OF DOCUMENTS — CARBON CAPTURE AND STORAGE FLAGSHIPS PROGRAM** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 31 May 2011 a copy of the Victorian Government's submissions to the Federal Government's Carbon Capture and Storage Flagships program.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 ALPINE GRAZING DOCUMENTS** — Ms Pennicuik moved, That this House takes note of the Alpine Grazing documents tabled in the House on 4 May 2011.

Debate ensued.

Question — put and agreed to.

- 9 GLENELG PLANNING SCHEME AMENDMENT C60** — Mr Tee moved, That Amendment C60 to the Glenelg Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 22

Mr Atkinson  
Mr Barber  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Ms Hartland  
Mr Koch  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Ms Pennicuik  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Question negatived.

- 10 SOLAR FEED-IN TARIFF SCHEME REVIEW** — Mr Barber moved, That this House requests the Minister for Energy and Resources to immediately cause the independent review of the

premium solar feed-in tariff scheme under section 40NB of the *Electricity Industry Act 2000* to be brought forward for completion this year in light of the scheme almost reaching its 100MW capacity.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula ( <i>Teller</i> )	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 11 PRODUCTION OF DOCUMENTS — VINCENT REPORT** — Mr Pakula moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 31 May 2011 a copy of the Vincent Report, including any appendices or attachments, into the operations of the Office of Public Prosecutions and the conduct of its Director, Mr Jeremy Rapke QC, which was provided to the Baillieu Government in March 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Jennings	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford ( <i>Teller</i> )	Ms Lovell
Mr Scheffer ( <i>Teller</i> )	Mr O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie

Ms Tierney  
Mr Viney

Mrs Petrovich  
Mrs Peulich (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 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.

Ordered — That the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and the consideration of the Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

**14 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.45 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 19 — Thursday, 26 May 2011

1 The President took the Chair and read the Prayer.

**2 PETITION — ALTONA LOOP TRAIN SERVICES** — Ms Hartland presented a Petition bearing 276 signatures from certain citizens of Victoria requesting that the proposed changes to the train timetable which will cut services to the Altona Loop be rejected.

Ordered to lie on the Table.

On the motion of Ms Hartland, 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:

Office of Police Integrity — Report on Victoria Police crime records and statistical reporting, May 2011.

Ombudsman — Report on record keeping failures by WorkSafe agents, May 2011.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 27.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and Notices of Motion, Government Business Nos. 3, 7, 22, 24, 25, 29 to 31 and 79, be postponed until later this day.

**6 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — Mr Dalla-Riva, pursuant to notice, introduced *A Bill for an Act to amend the Terrorism (Community Protection) Act 2003 to provide for the review of the operation of that Act to be undertaken and completed by 30 June 2013 and for other purposes.*

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion, by leave, of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for two weeks.

**7 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum (*Teller*)

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee (*Teller*)

Ms Tierney

Mr Viney

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**10 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011** — 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.

**11 FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Pakula moved, That the Family Violence Protection Amendment (Safety Notices) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by no later than 28 June 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos (*Teller*)  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

Question 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.

**12 FISHERIES AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fisheries Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**13 PUBLIC HOLIDAYS AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Holidays Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Somyurek), the debate was adjourned for one week.

**14 PARLIAMENTARY COMMITTEES** — Mr D.M. Davis moved —

- (1) **DISPUTE RESOLUTION COMMITTEE** — That Mr D.M. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik be members of the Dispute Resolution Committee.
- (2) **HOUSE COMMITTEE** — That Mr Drum, Mr Eideh, Mr Finn, Ms Hartland and Mr P.R. Davis be members of the House Committee.
- (3) **PROCEDURE COMMITTEE** — That the President, Mr Dalla-Riva, Mr D.M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney be members of the Procedure Committee.
- (4) **PRIVILEGES COMMITTEE** — That Ms Darveniza, Mr D.M. Davis, Mr P.R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer be members of the Privileges Committee.

Debate ensued.

Mr Lenders moved, as an amendment, That in subsection (1) relating to the Dispute Resolution Committee, omit “Ms Lovell” and insert “Mr Jennings”.

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier ( <i>Teller</i> )
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien

Mr Tarlamis (*Teller*)  
Mr Tee (*Teller*)  
Ms Tierney  
Mr Viney

Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Question —

- (1) **DISPUTE RESOLUTION COMMITTEE** — That Mr D.M. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik be members of the Dispute Resolution Committee.
- (2) **HOUSE COMMITTEE** — That Mr Drum, Mr Eideh, Mr Finn, Ms Hartland and Mr P.R. Davis be members of the House Committee.
- (3) **PROCEDURE COMMITTEE** — That the President, Mr Dalla-Riva, Mr D.M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney be members of the Procedure Committee.
- (4) **PRIVILEGES COMMITTEE** — That Ms Darveniza, Mr D.M. Davis, Mr P.R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer be members of the Privileges Committee.

— put and agreed to.

**15 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until Tuesday, 31 May 2011.

Question — put and agreed to.

**16 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 5.51 p.m. adjourned until Tuesday, 31 May 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 17, 18 and 19

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**Tuesday, 24 May 2011**

**1 HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011**

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**

**2 DENTAL HOSPITAL LAND BILL 2011**

**Clauses 1 to 8** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 26 May 2011**

**1 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011**

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders.*

Committee resumed.

**Progress reported.**

**2 RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011**

*Progress having been reported earlier this day —*

**Clause 1** — Debate resumed.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Mikakos moved —

1. Clause 3, line 6, omit "The" and insert "Subject to this section, the".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Amendment negatived.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Bill reported without amendment.**

### 3 FAMILY VIOLENCE PROTECTION AMENDMENT (SAFETY NOTICES) BILL 2011

**Clauses 1 to 10** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 20, 21 and 22

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#### No. 20 — Tuesday, 31 May 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, on 31 May 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Dental Hospital Land Act 2011*
  - Family Violence Protection Amendment (Safety Notices) Act 2011*
  - Health Services Amendment (Health Innovation and Reform Council) Act 2011*
  - Residential Tenancies Amendment (Public Housing) Act 2011*
  - Victoria Law Foundation Amendment Act 2011.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
  - POLICE PRESENCE AT RICHMOND HOUSING ESTATE** — Ms Lovell having given an answer to a question without notice relating to the police presence at the Richmond housing estate —  
On the motion of Ms Mikakos, the Minister's answer was ordered to be taken into consideration on the next day of meeting.
  - QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Bushfires Royal Commission Implementation Monitor Act 2011 — Implementation Plan in response to the 2009 Victorian Bushfires Royal Commission.
  - Crown Land (Reserves) Act 1978 —
    - Minister's Order of 22 May 2011 giving approval to the granting of a licence at Kings Domain Reserve.
    - Minister's Order of 19 May 2011 giving approval to the granting of a lease at Rosebud Tennis Club Reserve.
    - Minister's Order of 6 May 2011 giving approval to the granting of a lease at Sidney Myer Music Bowl Reserve.
  - Holmesglen Institute of TAFE — Report, 2010.
  - Judicial Remuneration Tribunal Act 1995 — Statement of Reasons, pursuant to section 14(2) of the Act.
  - Planning and Environment Act 1987 — Notice of approval of Bayside Planning Scheme Amendment C99.
  - Statutory Rules under the following Acts of Parliament:
    - Petroleum Act 1998 — No. 30.

Transport Accident Act 1986 — No. 29.  
 Victorian Energy Efficiency Target Act 2007 — No. 31.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 30.

\* \* \* \* \*

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

Consumer Affairs Legislation Amendment Act 2010 — Sections 17, 18, 18A, 82 and 108 — 1 July 2011 (*Gazette No. S154, 24 May 2011*).

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Division 2 of Part 2 and section 71 — 1 July 2011 (*Gazette No. S154, 24 May 2011*).

\* \* \* \* \*

On the motion of Mr Barber, the Implementation Plan in response to the 2009 Victorian Bushfires Royal Commission was ordered to be taken into consideration on the next day of meeting.

**5 PRODUCTION OF DOCUMENTS — CARBON CAPTURE AND STORAGE FLAGSHIPS PROGRAM**

— The Clerk laid on the Table a letter from the Attorney-General dated 30 May 2011 in response to the resolution of the Council of 25 May 2011 seeking the production of documents relating to the Victorian government's submissions to the Federal Government's Carbon Capture and Storage Flagships program —

- advising that the Government is in the process of identifying documents that may be relevant to this resolution;
- advising that the Government is not able to respond to the Council's resolution within the time period as requested by the Council; and
- advising that the Government will continue working to identify documents relevant to the Council's resolution and will endeavour to respond as soon as possible.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 1 June 2011:

- (1) Order of the Day No. 2, relating to Government election commitments;
- (2) Notice of Motion No. 32 standing in the name of Ms Hartland relating to the introduction of the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011;
- (3) Notice of Motion No. 99 standing in the name of Mr Barber relating to the production of Advanced Metering Infrastructure documents;
- (4) Notice of Motion No. 92 standing in the name of Mr Somyurek relating to the Australian Synchrotron;
- (5) Notice of Motion No. 94 standing in the name of Mr Barber relating to the production of documents relating to the relocation of the VicForests office;
- (6) Notice of Motion No. 78 standing in the name of Mr Barber relating to a review of the operating rules for major water storages;
- (7) Notice of Motion No. 91 standing in the name of Ms Pennicuik relating to the production of Australian Grand Prix Corporation documents; and
- (8) Notice of Motion No. 85 standing in the name of Mr Barber relating to a review of the *Members of Parliament (Register of Interests) Act 1978*.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

- 9 CRIMES AMENDMENT (BULLYING) BILL 2011** — 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.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 11 FISHERIES AMENDMENT BILL 2011** — 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.
- 12 BUDGET PAPERS, 2011-12** — Debate resumed on the question, That the Council take note of the Budget Papers, 2011-12.  
 On the motion of Mr Leane, the debate was adjourned until the next day of meeting.
- 13 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.  
 Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
 And then the Council, at 10.36 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 21 — Wednesday, 1 June 2011

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS** —
- VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, 2009-10.  
 Question — put and agreed to.  
 The Report was presented by Ms Lovell and ordered to lie on the Table.  
 \* \* \* \* \*
- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2011-12 BUDGET ESTIMATES — PART ONE** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2011-12 Budget Estimates — Part One (including an Extract from the Proceedings of the Committee), together with Transcripts of Evidence.  
 Ordered to lie on the Table and the Report to be printed.  
 Mr P.R. Davis moved, That the Council take note of the Report.  
 Debate ensued.  
 Question — put and agreed to.  
 \* \* \* \* \*
- 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 reports on —  
 Indigenous Education Strategies for Government Schools, June 2011.  
 Management of Major Road Projects, June 2011.  
 Office of Police Integrity — Improving Victoria Police discipline and complaint handling systems: A progress report, June 2011.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 GOVERNMENT ELECTION COMMITMENTS** — Debate resumed on the question, That this House congratulates the Liberal National Coalition parties on their election to Government and calls on the Leader of the Government to —

- (1) give a commitment to the House that the Government will honour all of its election commitments in full;
- (2) make available to the House the full cost of each election commitment made by the Coalition as advised by the Department of Treasury and Finance; and
- (3) advise the House the means by which these costs will be met including:
  - (a) any proposed revenue raising measures;
  - (b) any program and service cuts.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**6 GOVERNMENT ELECTION COMMITMENTS** — Debate continued on the question, That this House congratulates the Liberal National Coalition parties on their election to Government and calls on the Leader of the Government to —

- (1) give a commitment to the House that the Government will honour all of its election commitments in full;
- (2) make available to the House the full cost of each election commitment made by the Coalition as advised by the Department of Treasury and Finance; and
- (3) advise the House the means by which these costs will be met including:
  - (a) any proposed revenue raising measures;
  - (b) any program and service cuts.

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

**7 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Environment Protection Act 1970 to make further provision for environmentally sustainable uses of resources and best practices in waste management by establishing a beverage container deposit scheme to be administered by the Environment Protection Authority and for other purposes.*

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

**8 PRODUCTION OF DOCUMENTS — SMART METERS PROJECT** — Mr Barber moved, That this House requires the Leader of the Government to table in the Council by 12 noon on Tuesday, 14 June 2011 the following documents relating to the Government's Advanced Metering Infrastructure project, also known as the 'Smart Meters' project:

- (a) all documents relating to all cost-benefit analyses of the project;
- (b) all correspondence and instructions, direction, guidelines and similar documents provided to, or received from, the party or parties undertaking any cost-benefit analyses;
- (c) all correspondence to or from the former and current Ministers for Energy and Resources, his department or agencies, and Victoria's electricity distribution businesses concerning smart meters;
- (d) all documents relating to the operation of time of use pricing and smart meters, including the Government's decision to impose a moratorium on the operation of time of use pricing and the Government's subsequent decision to determine that time of use processing will not be mandatory; and
- (e) all documents relating to any proposed communications, education or public awareness campaigns concerning smart meters, including financial documents and invoices.

Debate ensued.

Question — put and agreed to.

- 9 AUSTRALIAN SYNCHROTRON** — Mr Somyurek moved, That this House condemns the Baillieu Government for putting further pressure on Victoria's advanced manufacturing sector by failing to commit ongoing funding for the Australian Synchrotron and notes that the Synchrotron —

- (1) is a major tool for research and development; and
- (2) plays an important part in the development of advanced new products and processes which are key elements in maintaining and growing Victoria's manufacturing base.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned for one week.

- 10 PRODUCTION OF DOCUMENTS — VICFORESTS OFFICE** — Mr Barber moved, That this House requires the Leader of the Government to table in the Council by 12 noon on Tuesday, 14 June 2011 any letter or letters sent from the Minister for Agriculture and Food Security to the Yarra Ranges Shire Council, in relation to the relocation of the VicForests' office to the municipality.

Debate ensued.

Question — put and agreed to.

- 11 WATER STORAGES OPERATING RULES REVIEW** — Mr Barber moved, That this House requests the Minister for Water to conduct an urgent review of the operating rules for all major water storages so as to minimise potential flood risks on regulated rivers.

Debate ensued.

On the motion of Mr Lenders, the debate was adjourned until the next day of meeting.

- 12 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION** — Ms Pennicuik moved, That this House —

- (1) notes that the documents ordered by the Resolution of the Council on 2 March 2011 to be tabled in the Council by 12.00 p.m. on 22 March 2011, have not been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975* and the power to make Standing Orders under section 43 of that Act;
- (3) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (4) again requires the Leader of the Government representing the Premier to table by 12.00 noon on Tuesday, 14 June 2011 a copy of —
  - (a) the financial arrangement/current contract between the Government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One Grand Prix event and, if not included in the above document, the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010 event, any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event, paid by Government Departments or agencies to the AGPC, any services provided to the AGPC by other Government departments (eg Victoria Police) relating to the 2010 event;
  - (b) the economic study performed as the basis of the five year contract extension to 2015; and
  - (c) the most recent cost-benefit analysis of the Australian Grand Prix.

Debate ensued.

Question — put and agreed to.

- 13 ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE** — Ms Lovell moved, by leave, That Mrs Petrovich be a participating member of the Environment and Planning Legislation Committee.

Question — put and agreed to.

**14 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.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and the Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

**15 STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 ADJOURNMENT —** Mr Hall moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.23 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 22 — Thursday, 2 June 2011

1 The President took the Chair and read the Prayer.

2 **EQUAL OPPORTUNITY AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 2010 and the Electoral Act 2002 and for other purposes* and requesting the agreement of the Council.

Mr Dalla-Riva moved, That the Bill be now read a first time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg (*Teller*)  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar (*Teller*)  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

On the motion of Mr Dalla-Riva, the Bill was ordered to be read a second time on the next day of meeting.

**3 PETITIONS —**

**KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 59 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.  
Ordered to lie on the Table.

\* \* \* \* \*

**URBAN GROWTH BOUNDARY** — Mr Barber presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Government rezone lands located in Yarrambat and Diamond Creek on the west side of Ironbark Road and include these properties within the Urban Growth Boundary.  
Ordered to lie on the Table.

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

Goulburn Ovens Institute of TAFE — Report, 2010 (*in lieu of that tabled on 3 May 2011*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 31.

**5 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr D.M. Davis moved, by leave, That the Resolution of the Council of 4 May 2011 requiring the Environment and Natural Resources Committee to inquire into and report by 1 September 2011 on the environmental effects statement processes in Victoria be amended so as to now require the Committee to present its report by 30 September 2011.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.**8 PUBLIC HOLIDAYS AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Somyurek were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.**10 PUBLIC HOLIDAYS AMENDMENT BILL 2011** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pulford moved, That the Public Holidays Amendment Bill 2011 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report by 28 June 2011 and that the Committee consider in particular the impact of the half day public holiday provisions in the Bill on employers and employees.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis ( <i>Teller</i> )
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

Mr Somyurek moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Public Holidays Act 1993* to appoint Easter Sunday as a public holiday.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr ( <i>Teller</i> )	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question 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.

- 11 BUDGET PAPERS, 2011-12** — Debate resumed on the question, That the Council take note of the Budget Papers, 2011-12.

On the motion of Mr Leane, the debate was adjourned for one week.

- 12 APPROPRIATION (2011/2012) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2011/2012 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 13 COGNATE DEBATE** — Mr Rich-Phillips moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2011/2012) Bill 2011 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2011-12.

Question — put and agreed to.

- 14 APPROPRIATION (PARLIAMENT 2011/2012) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2011/2012 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 15 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT (INFRINGEMENTS OFFENCES) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Infringements and Other Acts Amendment Act 2008, the Liquor Control Reform Amendment (Party Buses) Act 2009 and the Summary Offences Act 1966 in relation to certain offences enforceable by infringement notice and to make minor and technical amendments to the Children, Youth and Families Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 STATE TAXATION ACTS AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 18 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until Tuesday, 14 June 2011.

Question — put and agreed to.

- 19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 4.50 p.m., adjourned until Tuesday, 14 June 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# **COMMITTEE OF THE WHOLE COUNCIL**

## **Supplement to Minutes Nos. 20, 21 and 22**

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**Thursday, 2 June 2011**

**1 PUBLIC HOLIDAYS AMENDMENT BILL 2011**

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 23, 24 and 25

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#### No. 23 — Tuesday, 14 June 2011

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MRS JEANNETTE PATRICK** — The President advised the House of the death on 24 May 2010 of Mrs Jeannette Tweeddale Patrick, Member for Brighton in the Legislative Assembly from March 1976 to January 1985.  
Members stood in their places as a mark of respect to the memory of the late Mrs Patrick.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor, informing the Council that he had, on 7 June 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Crimes Amendment (Bullying) Act 2011*  
*Fisheries Amendment Act 2011*  
*Public Holidays Amendment Act 2011.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —  
**ANNUAL REVIEW 2010 ON REGULATIONS 2010** — Mr O'Donohue presented the Annual Review 2010 on Regulations 2010 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*  
**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 6 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*  
**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:  
Ballarat Planning Scheme — Amendment C150.  
Bass Coast Planning Scheme — Amendments C112 and C114.  
Baw Baw Planning Scheme — Amendment C77.  
Campaspe Planning Scheme — Amendment C85.  
Cardinia Planning Scheme — Amendment C127.  
Casey Planning Scheme — Amendment C151.  
East Gippsland Planning Scheme — Amendment C86.

Glen Eira Planning Scheme — Amendment C75.  
 Greater Bendigo Planning Scheme — Amendment C122.  
 Greater Dandenong Planning Scheme — Amendment C127.  
 Melbourne Planning Scheme — Amendments C150 and C167.  
 Mount Alexander Planning Scheme — Amendment C19.  
 Surf Coast Planning Scheme — Amendment C65.  
 Warrnambool Planning Scheme — Amendment C79.  
 Yarra Planning Scheme — Amendment C134.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 28.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Dental Hospital Land Act 2011 — 7 June 2011 (*Gazette No. S177, 7 June 2011*).

## 6 PRODUCTION OF DOCUMENTS —

**SMART METERS PROJECT** — The Clerk laid on the Table a letter from the Minister for Energy and Resources dated 8 June 2011 in response to the Resolution of the Council of 1 June 2011 seeking the production of documents relating to the Advanced Metering Infrastructure project, also known as the ‘Smart Meters’ project, advising that the Government is —

- still in the process of identifying and assessing the documents; and
- not able to respond to the Council’s resolution within the time period requested but will endeavour to respond as soon as possible.

\* \* \* \* \*

**VICFORESTS OFFICE RELOCATION** — The Clerk laid on the Table a letter from the Minister for Agriculture and Food Security dated 9 June 2011 in response to the Resolution of the Council of 1 June 2011 seeking the production of documents relating to the relocation of VicForests’ office to the Yarra Ranges, advising that there was only one letter relevant to this Order and this letter was made available during the debate on this motion in the Council on 1 June 2011 by Mr Edward O’Donohue MLC, and attaching a copy of that letter.

\* \* \* \* \*

**AUSTRALIAN GRAND PRIX CORPORATION** — The Clerk laid on the Table a letter from the Minister for Tourism and Major Events in response to the Resolution of the Council of 2 March 2011 seeking the production of documents relating to the Australian Grand Prix, advising that —

- the Government is still in the process of assessing the documents;
- additional documents from the Australian Grand Prix Corporation were received as late as 1 June 2011; and
- the Government will provide a response as soon as the assessment of all these documents has been completed.

## 7 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 15 June 2011:

- (1) Notice of Motion No. 118, standing in the name of Mr Tee, relating to the development of a work plan by the Environment and Planning Legislation Committee;
- (2) the Notice of Motion given this day by Mr Barber relating to the production of documents relating to the Revenue Protection Plan prepared under the Metlink Services Agreement;
- (3) Order of the Day No. 11, the second reading of the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011;
- (4) the Notice of Motion given this day by Mr Pakula relating to the meeting between the Premier’s Chief of Staff and the former Deputy Chief Commissioner of Police, Sir Ken Jones;

- (5) Notice of Motion No. 42, standing in the name of Ms Pennicuik, relating to the duck shooting season;
- (6) Notice of Motion No. 119, standing in the name of Ms Mikakos, relating to the “Take A Break” occasional childcare program; and
- (7) Notice of Motion No. 85, standing in the name of Mr Barber, relating to a review of the *Members of Parliament (Register of Interests) Act 1978*.

Question — put and agreed to.

**8 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**10 TERRORISM (COMMUNITY PROTECTION) BILL 2011** — 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 transmitted to the Assembly with a Message requesting their agreement.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 6 inclusive, be postponed until later this day.

**12 JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved that the debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote ( <i>Teller</i> )
Mr Eideh	Ms Crozier
Mr Jennings	Mr Dalla-Riva
Ms Hartland ( <i>Teller</i> )	Mr D.M. Davis
Mr Leane	Mr P.R. Davis ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O’Brien
Mr Tarlamis	Mr O’Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Debate continued on the question, That the Bill be now read a second time.

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

Debate continued.

Amendments proposed to be moved in Committee by Mr Dalla-Riva were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Mr Dalla-Riva moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Summary Offences Act 1966* and the *Tobacco Act 1987* to provide for saving and validation provisions in each of those Acts in relation to certain infringement offences.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, 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 with amendments and requesting their agreement.

**13 APPROPRIATION (PARLIAMENT 2011/12) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Mr Lenders moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government commits to increasing the Legislative Council budget by an additional \$400,000 in 2011-12, and indexed annually thereafter, which is needed urgently to adequately resource the Legislative Council Standing Committee system which was unanimously adopted by all parties in the Council in October 2010, and an additional \$156,000 to the Joint Investigatory Committees budget in 2011-12, and indexed annually thereafter, to enable the more efficient operation of the Joint Investigatory Committee system, by indexing its budget to the Departmental Funding Model.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

NOES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Guy  
 Mr Hall  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — 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.

**14 EQUAL OPPORTUNITY AMENDMENT BILL 2011** — Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

Mr Pakula moved, That the debate be adjourned until Thursday next.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Jennings	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Leane ( <i>Teller</i> )	Mr P.R. Davis
Mr Lenders	Mr Drum
Ms Mikakos	Mr Elsbury
Mr Pakula	Mr Finn
Ms Pennicuik	Mr Guy
Ms Pulford	Mr Hall ( <i>Teller</i> )
Mr Scheffer ( <i>Teller</i> )	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tarlamis	Ms Lovell
Mr Tee	Mr O'Brien
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh ( <i>Teller</i> )
Mr Dalla-Riva	Mr Jennings ( <i>Teller</i> )
Mr D.M. Davis	Ms Hartland
Mr P.R. Davis	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mrs Kronberg ( <i>Teller</i> )	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue ( <i>Teller</i> )	Mr Tarlamis
Mr Ondarchie	Mr Tee

Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Ms Tierney  
 Mr Viney

Question agreed to.

Debate continued on the question, That the Bill be now read a second time.

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

Debate continued.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 15 JUNE 2011

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 17

Mr Barber (*Teller*)  
 Ms Broad  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney  
 Mr Viney

Question 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.

Mr Dalla-Riva 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, 19

Mr Atkinson  
 Mrs Coote (*Teller*)  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Koch

NOES, 17

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford

Ms Lovell	Mr Scheffer ( <i>Teller</i> )
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

**15 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 3.20 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 24 — Wednesday, 15 June 2011

1 The President took the Chair and read the Prayer.

2 **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 — Report on Victorian Life Sciences Computation Initiative, June 2011.

Ombudsman — Report on the Investigation into the corrupt conduct by public officers in procurement, June 2011.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

4 **ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE** — Mr Tee moved, That this House calls on the Environment and Planning Legislation Committee to develop a work plan to review the Government's challenges and priorities in relation to the arts, environment and planning, including the use, development and protection of land and that the Committee deliver its report by 1 December 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Jennings	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Mr Pakula ( <i>Teller</i> )	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford ( <i>Teller</i> )	Mr Koch ( <i>Teller</i> )
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien

Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negated.

- 5 PRODUCTION OF DOCUMENTS — METLINK'S NETWORK REVENUE PROTECTION PLAN** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 28 June 2011 a copy of the Network Revenue Protection Plan for the 2011 calendar year, prepared under section 10.1 of the Metlink Services Agreement.

Debate ensued.

Question — put and agreed to.

- 6 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011** — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Mrs Petrovich, the debate was adjourned for two weeks.

- 7 DEPUTY CHIEF COMMISSIONER OF POLICE** — Mr Pakula moved, That this House expresses its grave concern regarding the refusal of the Government to —

- (1) fully, frankly and openly explain the circumstances behind, and the contents of, the meeting between the Premier's Chief of Staff and the former Deputy Chief Commissioner of Police, Sir Ken Jones; and
- (2) commit to an open and transparent process for the examination of such matters including the role of the offices of the Premier, the Minister for Police and Emergency Services, the Attorney-General and the Minister for Corrections.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 DEPUTY CHIEF COMMISSIONER OF POLICE** — Debate continued on the question, That this House expresses its grave concern regarding the refusal of the Government to —

- (1) fully, frankly and openly explain the circumstances behind, and the contents of, the meeting between the Premier's Chief of Staff and the former Deputy Chief Commissioner of Police, Sir Ken Jones; and
- (2) commit to an open and transparent process for the examination of such matters including the role of the offices of the Premier, the Minister for Police and Emergency Services, the Attorney-General and the Minister for Corrections.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell

Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

Question negatived.

- 10 DUCK SHOOTING BAN** — Ms Pennicuik moved, That this House requires the Government to act immediately to repeal the current duck shooting season and to ban duck shooting within Victoria as has occurred in New South Wales, Western Australia and Queensland.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3  
 Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 35  
 Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question negatived.

- 11 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011** — Ms Hartland moved, by leave, That due to the inadvertent omission of part of the second reading speech given verbally in this House on 15

June 2011 on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011, so much of the Standing Orders be suspended to now allow the complete version of the second reading speech to be incorporated into *Hansard*.

Question — put and agreed to.

**12 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.

Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and the Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

**13 STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT —** Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.

Mr Guy, having provided an explanation as to why a response to a certain adjournment matter had not been provided —

Ms Broad moved, That the Council take note of the explanation.

Question — put and agreed to.

And then the Council, at 5.56 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 25 — Thursday, 16 June 2011

1 The President took the Chair and read the Prayer.

2 **JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011 —** The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

3 **PETITION — ALTONA LOOP TRAIN SERVICES —** Ms Hartland presented a Petition bearing 107 signatures from certain citizens of Victoria requesting that the proposed changes to the train timetable which will cut services to the Altona Loop be rejected.

Ordered to lie on the Table.

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

Ombudsman — Report on the Investigation into an allegation about Victoria Police crime statistics, June 2011.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 32.

Owners Corporations Act 2006 — No. 33.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 32 and 33.

5 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.12.

6 **BUSINESS POSTPONED —** Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

- 7 STATE TAXATION ACTS AMENDMENT BILL 2011** — 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.
- 8 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — 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 committed to a Committee of the whole.  
House in Committee.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 10 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011** — 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.
- 11 APPROPRIATION (2011/2012) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time [the **Budget Papers, 2011-12** having been authorised to be debated concurrently pursuant to an Order of the Council on 2 June 2011].  
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.
- 12 BUDGET PAPERS, 2011-12** — The concurrent debate having concluded —  
Question — That the Council take note of the Budget Papers, 2011-12 — put and agreed to.
- 13 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 28 June 2011.  
Question — put and agreed to.
- 14 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to make changes to the growth areas infrastructure contribution scheme and to make consequential amendments to the Land Acquisition and Compensation Act 1986 and to the Sale of Land Act 1962 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Guy, the second reading speech was incorporated into Hansard.  
Mr Guy moved, That the Bill be now read a second time.  
On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.
- 15 TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010 to establish the Taxi*

*Services Commission and to amend the Transport (Compliance and Miscellaneous) Act 1983 and other Acts to make consequential and related amendments and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

**16 ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011 —**

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Road Safety Amendment (Hoon Driving) Act 2010, the Police Regulation Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

**17 VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011 —**

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Urban Development Authority Act 2003 to abolish the Victorian Urban Development Authority, to establish the Urban Renewal Authority Victoria as its successor in law and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

**18 TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011 —**

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010 to establish the Port of Hastings Development Authority, to amend the Port Management Act 1995, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

**19 STATUTE LAW REVISION BILL 2011 —** The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

**20 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.18 p.m., adjourned until Tuesday, 28 June 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 23, 24 and 25

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Tuesday, 14 June 2011

### 1 JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES) BILL 2011

**Clause 1** — Mr Dalla-Riva moved —

1. Clause 1, page 2, line 5, after "months" insert "and to provide for a savings provision in the **Summary Offences Act 1966**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Amendment agreed to.

Mr Dalla-Riva moved —

2. Clause 1, page 2, after line 5 insert—  
"() amend the **Tobacco Act 1987** to provide for a savings provision; and".

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Mr Dalla-Riva moved —

3. Clause 2, line 10, omit "sections 5 and 6" and insert "this section, sections 5, 6, 7 and 8".
4. Clause 2, after line 11 insert—  
"() This section comes into operation on the day that this Act receives the Royal Assent.  
() Section 7 is taken to have come into operation on 16 December 2009.  
() Section 8 is taken to have come into operation on 1 January 2010.".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 5** — put and agreed to.

**Heading to Clause 6** — Ms Pennicuik moved —

1. Heading to clause 6, lines 3 and 4, omit "the offence of wilful damage" and insert "certain summary offences".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3	NOES, 35
Mr Barber	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
Ms Pennicuik ( <i>Teller</i> )	Mrs Coote
	Ms Crozier ( <i>Teller</i> )
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elsbury
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Ms Mikakos
	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mr Pakula ( <i>Teller</i> )
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Ramsay
	Mr Rich-Phillips
	Mr Scheffer

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Amendment negated.

**Clauses 6 to 8** — put and agreed to.

**New Clauses** — Mr Dalla-Riva moved —

5. Insert the following new clauses to follow clause 6—

**'AA New section 63 inserted—Summary Offences Act 1966**

After section 62 of the **Summary Offences Act 1966** insert—

**"63 Savings and validation provision—Summary Offences and Control of Weapons Acts Amendment Act 2009—lodgeable infringement offences**

- (1) Despite anything to the contrary in the **Infringements Act 2006**, on and from 16 December 2009, an offence against section 6, 13, 14 or 17A which is an infringement offence within the meaning of that Act—
- (a) is taken to be, and to always have been, a lodgeable infringement offence within the meaning of that Act as if it had been prescribed as a lodgeable infringement offence by regulations made under that Act; and
- (b) may be dealt with as a lodgeable infringement offence under that Act.
- (2) Any lodgement under Part 4 of the **Infringements Act 2006** and any enforcement action taken under that Act in respect of an infringement offence referred to in subsection (1) is taken to be, and to always have been, a valid and lawful lodgement or enforcement action under that Act, as the case requires, to the extent that the lodgement or enforcement action was taken on the basis that the infringement offence was a lodgeable infringement offence."

**BB New section 47 inserted—Tobacco Act 1987**

After section 46 of the **Tobacco Act 1987** insert—

**"47 Savings and validation provision—Tobacco Amendment (Protection of Children) Act 2009—lodgeable infringement offences**

- (1) Despite anything to the contrary in the **Infringements Act 2006**, on and from 1 January 2010, an offence against section 5S which is an infringement offence within the meaning of that Act—
- (a) is taken to be, and to always have been, a lodgeable infringement offence within the meaning of that Act as if it had been prescribed as a lodgeable infringement offence by regulations made under that Act; and
- (b) may be dealt with as a lodgeable infringement offence under that Act.
- (2) Any lodgement under Part 4 of the **Infringements Act 2006** and any enforcement action taken under that Act in respect of an infringement offence referred to in subsection (1) is taken to be, and to always have been, a valid and lawful lodgement or enforcement action under that Act, as the case requires, to the extent that the lodgement or enforcement action was taken on the basis that the infringement offence was a lodgeable infringement offence."

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Long Title** — Mr Dalla-Riva moved —

6. Long title, after "by infringement notice" insert ", to amend the **Tobacco Act 1987**".

Question — That the amendment be agreed to — put and agreed to.

Question — That the long title, as amended, be the long title of the Bill — put and agreed to.

**Bill reported with amendments.**

## Wednesday, 15 June 2011 (morning)

### 1 EQUAL OPPORTUNITY AMENDMENT BILL 2011

**Clauses 1 to 17** — put and agreed to.

**Clause 18** — Mr Lenders moved, That the Deputy President report progress and ask leave to sit again.

Question — put and negatived.

Question — That Clause 18 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Eideh  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Question agreed to.

**Clause 19** — Question — The Clause 19 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**Clauses 20 to 36** — put and agreed to.

**Schedules 1 to 10** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 16 June 2011

### 1 ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2011

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders.*

Committee resumed.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Bill reported without amendment.**

### 2 APPROPRIATION (2011/2012) BILL 2011

**Clauses 1 to 8** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 26, 27 and 28

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#### No. 26 — Tuesday, 28 June 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
  - On 21 June 2011, given the Royal Assent to the following Acts presented to him by the Speaker of the Legislative Assembly:
    - Appropriation (2011/2012) Act 2011*
    - Appropriation (Parliament 2011/2012) Act 2011.*
  - On 21 June 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Environment Protection Amendment (Landfill Levies) Act 2011*
    - Equal Opportunity Amendment Act 2011*
    - Justice Legislation Amendment (Infringement Offences) Act 2011*
    - State Taxation Acts Amendment Act 2011*
    - Statute Law Revision Act 2011.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

Mr D.M. Davis, having provided an explanation as to why answers to certain questions on notice had not been provided —

Mr Lenders moved, That the Council take note of the explanation.

Debate ensued.

Question — put and agreed to.
- 4 **JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The Acting President read —
  - (a) a letter from the Minister for Health dated 15 June 2011 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 (VicHealth); and
  - (b) a Message from the Assembly informing the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 29 June 2011 at 6.15 p.m., and desiring the agreement of the Council.

The Assembly's Message was considered forthwith.

Mr D.M. Davis moved, by leave, That the Council meet the Legislative Assembly for the purpose of sitting and voting together to elect three members for appointment to the Victorian Health Promotion Foundation (VicHealth) and, as proposed by the Assembly, the

place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 29 June 2011 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

## 5 PETITIONS —

**KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 55 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Mikakos and Mr Leane each presented Petitions bearing 160 and 47 signatures, respectively, from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 7 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Land Acquisition and Compensation Act 1986 — Minister's certificate of 20 June 2011 pursuant to section 7(4) of the Act.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Nineteenth Amending Deed, 14 June 2011, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Thirteenth Amending Deed, 14 June 2011, pursuant to section 15D(6) of the Act.

Melbourne City Link Twenty-ninth Amending Deed, 14 June 2011, pursuant to section 15(2) of the Act.

National Parks Act 1975 — Reports in relation to the Barmah, Gunbower, Lower Goulburn and Warby-Ovens national parks, together with an independent assessment of the reports pursuant to section 17(2A) of the Act.

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

Banyule Planning Scheme — Amendment C59.

Campaspe Planning Scheme — Amendment C76.

Greater Dandenong Planning Scheme — Amendment C134.

Hume Planning Scheme — Amendment C152.

Mildura Planning Scheme — Amendment C47.

Monash Planning Scheme — Amendment C96.

Port Phillip Planning Scheme — Amendment C62.

Stonnington Planning Scheme — Amendment C112.

Warrnambool Planning Scheme — Amendment C61 Part 2.

Wellington Planning Scheme — Amendment C50 Part 1.

Yarra Ranges Planning Scheme — Amendments C80 and C90 Part 3.

Statutory Rules under the following Acts of Parliament:

Corporations (Ancillary Provisions) Act 2001 — No. 34.

Dangerous Goods Act 1985 — No. 37.

Magistrates' Court Act 1989 — No. 36.

- Transfer of Land Act 1958 — No. 35.  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 34, 36 and 37.  
Victorian Electoral Commission — Report on the Broadmeadows District by-election held on 19 February 2011.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Victoria Law Foundation Amendment Act 2011 — 23 June 2011 (*Gazette No. S193, 21 June 2011*).

**7 PRODUCTION OF DOCUMENTS — METLINK'S NETWORK REVENUE PROTECTION PLAN** — The Clerk laid on the Table a letter from the Minister for Public Transport dated 27 June 2011 in response to the Resolution of the Council of 15 June 2011 seeking the production of documents relating to the Network Revenue Protection Plan for the 2011 calendar year, prepared under section 10.1 of the Metlink Services Agreement advising that —

- the Government is in the process of responding to this resolution;
- the Government is liaising with affected third parties, and this process has not yet been finalised; and
- the Government will respond as soon as possible.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 29 June 2011:
  - (a) Notice of Motion No. 129 standing in the name of Mr Viney, relating to the development of a work plan by the Legal and Social Issues Legislation Committee;
  - (b) the Notice of Motion given this day by Ms Pennicuik relating to the establishment of an independent commissioner to regulate and oversee senior public appointments by Ministers;
  - (c) Notice of Motion No. 119 standing in the name of Ms Mikakos relating to the "Take A Break" occasional childcare program;
  - (d) Notice of Motion No. 89 standing in the name of Mr Barber relating to train timetables;
  - (e) Order of the Day No. 4, consideration of the Altona Loop Train Services petition;
  - (f) Order of the Day No. 7, consideration of the letter from the Minister for Roads and Minister for Public Transport and related documents relating to the metropolitan train timetable;
  - (g) the Notice of Motion given this day by Mr Pakula relating to Government secrecy;
  - (h) Notice of Motion No. 85 standing in the name of Mr Barber relating to a review of the *Members of Parliament (Register of Interests) Act 1978*; and
  - (i) Notice of Motion No. 48 standing in the name of Ms Pennicuik relating to a statutory body to conduct inquiries into custodial facilities; and
- (2) this House authorises the President to permit item (1)(d) to be moved and debated concurrently with items (1)(e) and (f) listed above.

Question — put and agreed to.

**9 ABORIGINAL HERITAGE AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Aboriginal Heritage Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Ms Lovell), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.

**12 ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011** — 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.

**13 VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011** — 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 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.

**14 ABORIGINAL HERITAGE AMENDMENT BILL 2011** — Ms Lovell 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 Lovell, the second reading speech was incorporated into Hansard.

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

Debate ensued.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders* —

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza (*Teller*)

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmar

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury (*Teller*)

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos

Mr Hall

Mr Pakula

Mr Koch

Ms Pennicuik

Ms Lovell

Ms Pulford

Mr O'Brien (*Teller*)

Mr Scheffer

Mr O'Donohue

Mr Somyurek (*Teller*)

Mr Ondarchie

Mr Tarlamis

Mrs Petrovich

Mr Tee

Mrs Peulich

Ms Tierney

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

Debate continued 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.

**15 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Tee were circulated.

Debate continued.

*And the Council having continued to sit after 12 midnight —*

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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.

Mr Guy 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 Acting President in the Chair.

AYES, 22

NOES, 14

Mr Barber

Ms Broad

Mrs Coote

Mr Eideh

Ms Crozier

Mr Elasmarr

Mr Dalla-Riva

Mr Jennings

Mr D.M. Davis

Mr Leane

Mr P.R. Davis

Mr Lenders

Mr Drum (*Teller*)

Ms Mikakos (*Teller*)

Mr Elsbury

Mr Pakula

Mr Finn

Ms Pulford

Mr Guy

Mr Scheffer

Mr Hall

Mr Somyurek (*Teller*)

Ms Hartland

Mr Tarlamis

Mr Koch

Mr Tee

Ms Lovell

Ms Tierney

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Ms Pennicuik (*Teller*)

Mrs Petrovich

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

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

**16 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 2.11 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 27 — Wednesday, 29 June 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**COMMUNITY SECTOR REMUNERATION** — Ms Mikakos presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Government support the community sector by committing to properly fund the pay increase that will result from Australian Services Union's Equal Remuneration Case.

Ordered to lie on the Table.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Mr Leane presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

\* \* \* \* \*

**ALTONA LOOP TRAIN SERVICES** — Ms Hartland presented a Petition bearing 31 signatures from certain citizens of Victoria requesting that the proposed changes to the train timetable which will cut services to the Altona Loop be rejected.

Ordered to lie on the Table.

\* \* \* \* \*

**NATIVE FOREST LOGGING** — Ms Pennicuik (for Mr Barber) presented a Petition bearing 1,911 signatures from certain citizens of Victoria requesting that the Government act to protect Victoria's native forests including old growth forests and water catchments and support the transition of logging into plantations to sustain jobs and our wood needs.

Ordered to lie on the Table.

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 Reports on —

Allocation of Electronic Gaming Machine Entitlements, June 2011.

Municipal Solid Waste Management, June 2011.

Multicultural Affairs — Whole of Government Report, 2009-10.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 35.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE** — Ms Mikakos (for Mr Viney) moved, That this House notes with concern that the Legal and Social Issues Legislation Committee has not met since its first meeting to elect Mr O'Donohue as Chair and requires the Committee to meet and develop a work plan in relation to the Government's priorities and challenges in these essential areas of government and that the Committee report to this House on its work by 1 December 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber (*Teller*)

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmarr

Mr Jennings

Ms Hartland

NOES, 20

Mr Atkinson

Mrs Coote

Ms Crozier (*Teller*)

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum (*Teller*)

Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee ( <i>Teller</i> )	Mrs Petrovich
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 6 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Aboriginal Heritage Amendment Act 2011*

*Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2011*

*Road Safety Amendment (Hoon Driving and Other Matters) Act 2011.*

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 8 PUBLIC APPOINTMENTS COMMISSIONER** — Ms Pennicuik moved, That this House supports the establishment of an independent commissioner for public appointments to regulate and oversee the processes by which Ministers make appointments to government departments, state owned enterprises, statutory authorities, public sector bodies (as defined in the *Public Administration Act 1994*), the boards of public sector bodies and/or Victoria Police with the object of maintaining the principle of selection on merit in relation to all such public appointments.

Debate ensued.

Ms Pulford moved, as an amendment, that the words “supports the establishment” be omitted with the view to inserting in their place “refers to the Planning and Environment References Committee for inquiry, consideration and report by December 2011 the question”.

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

NOES, 20

Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr O'Donohue ( <i>Teller</i> )

Mr Tarlamis  
Mr Tee  
Ms Tierney

Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Question — That this House supports the establishment of an independent commissioner for public appointments to regulate and oversee the processes by which Ministers make appointments to government departments, state owned enterprises, statutory authorities, public sector bodies (as defined in the Public Administration Act 1994), the boards of public sector bodies and/or Victoria Police with the object of maintaining the principle of selection on merit in relation to all such public appointments — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney

Question negatived.

**9 TAKE A BREAK PROGRAM** — Ms Mikakos moved, That this House —

- (1) condemns the Baillieu Government for not funding the "Take A Break" occasional childcare program from 31 December 2011, leaving Victorian families, especially in rural and regional communities, without access to affordable and community based childcare; and

(2) calls on the Baillieu Government to reinstate funding for this important program.  
Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**10 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE** — Mr D.M. Davis moved, by leave, That Mrs Petrovich be a participating member of the Environment and Planning References Committee.

Question — put and agreed to.

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Interruption —*

**12 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to elect three Members for appointment to the Victorian Health Promotion Foundation.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned after a suspension of proceedings from 6.13 p.m. until 9.29 p.m. for the purposes of meetings of certain Council Standing Committees —*

The President reported that at the Joint Sitting, Mr Neil Angus, MP, Mr Tim Bull, MP and Ms Danielle Green, MP, were elected to the Victorian Health Promotion Foundation for a three year term commencing immediately.

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers continued.

**14 TAKE A BREAK PROGRAM** — Debate resumed on the question, That this House —

(1) condemns the Baillieu Government for not funding the “Take A Break” occasional childcare program from 31 December 2011, leaving Victorian families, especially in rural and regional communities, without access to affordable and community based childcare; and

(2) calls on the Baillieu Government to reinstate funding for this important program.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Coote.*

**15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 28 — Thursday, 30 June 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**COMMUNITY SECTOR REMUNERATION** — Ms Darveniza, Mr Eideh, Mr Elasmarr, Mr Jennings, Mr Leane, Mr Lenders, Mr Pakula, Ms Pulford, Mr Leane (for Ms Broad), Mr Scheffer, Mr Somyurek, Mr Tarlamis, Mr Tee and Ms Tierney, each presented Petitions bearing 17, 13, 4, 11, 15, 6, 15, 15, 10, 15, 7, 18, 15 and 15 signatures, respectively, from certain citizens of Victoria requesting that the Government support the community sector by committing to properly fund the pay increase that will result from Australian Services Union’s Equal Remuneration Case.

Ordered to lie on the Table.

On the motion of Ms Tierney, the petition was ordered to be taken into consideration on the next day of meeting.

**NATIVE FOREST LOGGING** — Mr Barber presented a Petition bearing 400 signatures from certain citizens of Victoria requesting that the Government act to protect Victoria's native forests including old growth forests and water catchments and support the transition of logging into plantations to sustain jobs and our wood needs.

Ordered to lie on the Table.

On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Mikakos and Mr Leane each presented Petitions bearing 3,232 and 33 signatures, respectively, from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

On the motion of Ms Mikakos, the petition was ordered to be taken into consideration on the next day of meeting.

### 3 PAPERS —

**NATIONAL BLOOD AUTHORITY** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the National Blood Authority, Report 2009-10.

Question — put and agreed to.

The report was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee Annual Report of Inquiries into the Deaths of children known to Child Protection 2011.

Question — put and agreed to.

The report was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2011-12 BUDGET ESTIMATES (PART TWO)** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2011-12 Budget Estimates (Part Two).

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 5 April 2011 and 29 June 2011.

Office of Police Integrity — Report on the review of the investigative process following a death associated with police contact, June 2011.

### 4 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION — The Clerk laid on the Table a letter from the Minister for Tourism and Major Events received on 30 June 2011 —

- confirming that, save for Cabinet documents, the Government has arranged for relevant departments and agencies to identify documents in relation to the Legislative Council's resolution;
- advising that following diligent searches 12 documents were located of which 10 have been provided, and that some of the documents sought contain sensitive financial and commercial information which, along with the names of various individuals, has been redacted from these documents; and
- stating that two documents have been withheld as the release of these documents in their totality would damage the State's financial and commercial interests, and requesting that

the Council not insist on the production of these documents or the withheld text of the documents provided.

The Clerk also laid on the Table the following documents received in accordance with the Resolution of the Council of 2 March 2011:

- (1) Agreement between the Australian Grand Prix Corporation, Bayside Health in respect of the Alfred and the Confederation of Australian Motor Sport Limited in respect of the provision of medical services to the Australian Grand Prix 2002 to 2006 (February 2002);
- (2) Transport Service Agreement between the Director of Public Transport and the Australian Grand Prix Corporation (2001);
- (3) 2009 On Track Service Agreement between the Australian Grand Prix Corporation and Ambulance Victoria (March 2009) and letter dated 11 March 2010 extending the agreement until 31 December 2010;
- (4) 2009 Off Track Service Agreement between the Australian Grand Prix Corporation and Ambulance Victoria (March 2009) and letter dated 11 March 2010 extending the agreement until 31 December 2010;
- (5) Letters from the Australian Grand Prix Corporation to Bayside Health in respect of the Alfred dated 22 December 2006 and 12 December 2007 extending and varying the agreement between the Australian Grand Prix Corporation, Bayside Health in respect of the Alfred and the Confederation of Australian Motor Sport Limited in respect of the provision of medical services to the Foster's Australian Grand Prix;
- (6) Funding Agreement between the State of Victoria and the Australian Grand Prix Corporation in relation to the funding for the staging of the Australian Formula One Grands Prix 2008 to 2010 and the Australian Motorcycle Grands Prix 2007 to 2011 (1 August 2007);
- (7) Memorandum of Understanding between General Manager, Australian Grand Prix Corporation and Superintendent, Region 5, Grand Prix Operations Commander, in relation to Victoria Police Access to Australian Grand Prix Corporation CCTV (undated);
- (8) Critical On Track Incident Response Protocol for the 2010 Formula One Qantas Australian Grand Prix (March 2010);
- (9) Licence from Parks Victoria to Australian Grand Prix Corporation to use part of Albert Park to carry out kerb modification and various works — turns 2, 9, 12 and pit lane exit (22 December 2009); and
- (10) Parks Victoria Licence to Australian Grand Prix Corporation to use part of Albert Park to carry out 2010-2012 recurrent works (18 December 2009).

On the motion of Ms Pennicuik, the letter and documents were ordered to be taken into consideration on the next day of meeting.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor and the Notices of Motion, Government Business, be postponed until later this day.
- 7 TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Tee were circulated.

Debate continued.

Ms Hartland moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Taxi Industry Inquiry headed by Professor Alan Fels has been completed."

Debate ensued.

Question — That the reasoned amendment moved by Ms Hartland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 34
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik ( <i>Teller</i> )	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh ( <i>Teller</i> )
	Mr Elasmarr
	Mr Elsbury ( <i>Teller</i> )
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Koch
	Mr Leane
	Mr Lenders
	Ms Lovell
	Ms Mikakos
	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Ramsay
	Mr Rich-Phillips
	Mr Scheffer
	Mr Somyurek
	Mr Tarlamis
	Mr Tee
	Ms Tierney

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 34	NOES, 3
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Ms Broad	Ms Hartland ( <i>Teller</i> )
Mrs Coote	Ms Pennicuik
Ms Crozier	
Mr Dalla-Riva	
Ms Darveniza	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum ( <i>Teller</i> )	
Mr Eideh	
Mr Elasmarr	
Mr Elsbury	
Mr Finn	

Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**2011 BIOTECH INTERNATIONAL CONVENTION** — Mr Rich-Phillips having given an answer to a question without notice relating to the 2011 BIOTECH International Convention —

On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Guy 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, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlami (*Teller*)  
 Mr Tee  
 Ms Tierney

Question agreed to.

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

**10 TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — 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 ordered to be committed to a Committee of the whole later this day.

**11 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Mr Rich-Phillips moved, as an amendment, that the words "you for the speech which you have" be omitted with the view of inserting in their place "the former Governor for the speech which he".

Debate ensued.

Question — That the amendment moved by Mr Rich-Phillips be agreed to — put and agreed to.

Question — That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank the former Governor for the speech which he made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

— put and agreed to.

Mr Rich-Phillips moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and agreed to.

- 12 ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Towing Services Act 2007, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 13 CONSUMER ACTS AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006, the Consumer Affairs Legislation Amendment (Reform) Act 2010, to repeal the Companies (Administration) Act 1981 and to make minor or consequential amendments to several other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 14 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 15 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 16 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

Question — put and agreed to.

- 17 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.15 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 26, 27 and 28

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**Tuesday, 28 June 2011**

**1 VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011**

**Clauses 1 to 23** — put and agreed to.

**Bill reported without amendment.**

**Wednesday, 29 June 2011 (morning)**

**1 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011**

**Clause 1** — Consideration of Clause 1 postponed.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Consideration of Clause 4 postponed.

**Clauses 5 to 8** — put and agreed to.

**Clause 9** — Mr Tee moved —

6. Clause 9, page 7, after line 30 insert—

"(b) consult with the relevant growth area council (within the meaning of Part 3AAB) for the growth area in which land or works or both are to be provided under the agreement; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Mr Finn) in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula (*Teller*)  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)

NOES, 19

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch (*Teller*)  
Ms Lovell (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich

Ms Tierney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 13** — put and agreed to.

**Clause 14** — Consideration of Clause 14 postponed.

**Clauses 15 to 17** — put and agreed to.

**Clauses 18 to 20** — Consideration of Clauses 18 to 20 postponed.

**Clauses 21 and 22** — put and agreed to.

**Clause 23** — Consideration of Clause 23 postponed.

**Clause 24** — put and agreed to.

**Clause 25** — Mr Tee moved —

14. Clause 25, after line 10 insert—

- "(d) the following information relating to each work-in-kind agreement that was in force or that has been performed or partly performed in the preceding year—
- (i) the matters referred to in section 201SLC(1)(a) to (e);
  - (ii) if the Growth Areas Authority has determined under section 201SLL(1) that the agreement or a stage of the agreement has been performed or partly performed in that year, a description of the land or works provided under the agreement, the date on which the land or works was provided and, if the agreement was partly performed, the value of the land or works determined by the Authority under that section; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Mr Finn) in the Chair.

AYES, 17

Mr Barber  
Ms Broad (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 19

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 25 — put and agreed to.

**Clauses 26 and 27** — put and agreed to.

**Clauses 28 and 29** — Consideration of Clauses 28 and 29 postponed.

**Clause 30** — put and agreed to.

**Postponed Clause 1** — Mr Tee moved —

1. Clause 1, lines 6 to 9, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Mr Finn) in the Chair.

AYES, 14

Ms Broad  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

NOES, 22

Mr Barber (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Ms Hartland  
Mr Koch  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Ms Pennicuik  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Postponed Clause 1 — put and agreed to.

**Postponed Clause 4** — put and agreed to.

**Postponed Clause 14** — put and agreed to.

**Postponed Clauses 18 to 20** — put and agreed to.

**Postponed Clause 23** — put and agreed to.

**Postponed Clauses 28 and 29** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 30 June 2011

### 1 TRANSPORT LEGISLATION AMENDMENT (TAXI SERVICES REFORM AND OTHER MATTERS) BILL 2011

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Mr Tee moved —

1. Clause 7, page 7, line 10, after "industry" insert "(including the remuneration and working conditions of drivers of commercial passenger vehicles)".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Mr Finn) in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell ( <i>Teller</i> )
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 57** — put and agreed to.

**Clause 58** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders.*

Committee resumed.

**Clause 58** — Mr Tee moved —

3. Clause 58, page 34, line 15, omit "appropriate;" and insert "appropriate including, in relation to the safety of drivers of commercial passenger vehicles, the following entities—
  - (i) registered employee organisations (within the meaning of section 79 of the **Occupational Health and Safety Act 2004**) that further and protect the interests of drivers of commercial passenger vehicles in Victoria;
  - (ii) other persons or bodies involved in, or having an interest in promoting, the safety of drivers of commercial passenger vehicles in Victoria (including driver advocacy groups);".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President (Mr Finn) in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier (*Teller*)  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 58 — put and agreed to.

**Clauses 59 to 128** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 29, 30 and 31

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#### No. 29 — Tuesday, 16 August 2011

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE ALLAN CLYDE HOLDING** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 31 July 2011, of the Honourable Allan Clyde Holding, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Richmond from 1962 to 1977 and Leader of the Opposition from 1967 to 1977, and also to Australia as a Member of the House of Representatives for the Division of Melbourne Ports from 1977 to 1998 and a Minister of the Crown from 1983 to 1990.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 3.09 p.m. until 4.14 p.m.]*
- 3 **NORWAY SHOOTING VICTIMS** — Mr D.M. Davis moved, by leave, That we, the Legislative Council of Victoria, in Parliament assembled, express our deepest and sincere condolences to the King and people of Norway at this time of great suffering caused by the senseless events in Oslo and on the Island of Utøya on 22 July 2011.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 4 **APPOINTMENT OF OFFICERS** — The President advised the Council that, pursuant to section 18 of the *Parliamentary Administration Act 2005*, the Clerk has appointed Dr Stephen Redenbach as Assistant Clerk – House and Usher of the Black Rod and Mr Andrew Young as Assistant Clerk – Committees, effective from 15 August 2011.
- 5 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 5 July 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Terrorism (Community Protection) Amendment Act 2011*  
*Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011*  
*Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011.*
- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 PETITIONS —**

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Mr Leane and Ms Mikakos presented Petitions bearing 140 and 1,125 signatures, respectively, from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

\* \* \* \* \*

**LABURNUM STATION TRAIN TIMETABLE** — Mr Leane presented a Petition bearing 263 signatures from certain citizens of Victoria requesting that the Government reintroduce express train services that stop at Laburnum train station.

Ordered to lie on the Table.

**8 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 8 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PRODUCTION OF DOCUMENTS —**

**SMART METERS** — The Acting Clerk laid on the Table a letter from the Minister for Energy and Resources dated 11 August 2011 in response to the Resolution of the Council of 1 June 2011 seeking the production of documents relating to the Government's Advanced Metering Infrastructure project —

- advising that the Government would not be able to respond within the Council's deadline; and
- advising that the Government is continuing to process its response to this order and is currently assessing relevant documents.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

**CARBON CAPTURE AND STORAGE FLAGSHIPS PROGRAM SUBMISSIONS** — The Acting Clerk laid on the Table a letter from the Minister for Energy and Resources dated 11 August 2011 in response to the Resolution of the Council of 25 May 2011 seeking the production of documents relating to the Victorian Government's submissions to the Federal Government's Carbon Capture and Storage Flagships program —

- advising that the documents sought contain sensitive financial and commercial information and the public release of this information would materially damage the interest of the industry participants;
- stating that the Commonwealth assessment process is competitive and the release of information could weaken the State's position; and
- requesting that the Council not insist on the Government producing the documents.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR — PROGRESS REPORT** — Pursuant to section 21 of the *Bushfires Royal Commission Implementation Monitor Act 2011*, the Acting Clerk laid on the Table a copy of the Bushfires Royal Commission Implementation Monitor Progress Report, July 2011.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 August 2011 giving approval to the granting of a licence at Lorne Foreshore Reserve.

Minister's Order of 1 August 2011 giving approval to the granting of a licence at Winchelsea Public Park.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in respect of Statutory Rule Nos. 20 to 23, 37, 56 and 73.

Land Acquisition and Compensation Act 1986 — Minister's certificates of 1 July 2011 and 5 August 2011 pursuant to section 7(4) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2011.

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

Banyule Planning Scheme — Amendment C70 Part 2.

Bayside Planning Scheme — Amendment C105.

Boroondara Planning Scheme — Amendment C69.

Cardinia Planning Scheme — Amendment C152.

Colac Otway Planning Scheme — Amendment C61.

East Gippsland Planning Scheme — Amendment C92.

Frankston Planning Scheme — Amendment C60.

Glen Eira Planning Scheme — Amendment C60.

Golden Plains Planning Scheme — Amendment C45.

Greater Bendigo Planning Scheme — Amendments C144 and C165.

Greater Dandenong Planning Scheme — Amendment C145.

Greater Geelong Planning Scheme — Amendments C196, C198, C202 and C256.

Hobson's Bay Planning Scheme — Amendment C73.

Hume Planning Scheme — Amendment C155.

Kingston Planning Scheme — Amendment C105.

Knox Planning Scheme — Amendments C84 and C104.

Latrobe Planning Scheme — Amendment C39 Part 1.

Macedon Planning Scheme — Amendments C72 and C78.

Manningham Planning Scheme — Amendment C93.

Maribyrnong Planning Scheme — Amendments C85, C94 and C99.

Maroondah Planning Scheme — Amendments C69 and C79.

Melbourne Planning Scheme — Amendments C143, C156, C165 and C182.

Melton Planning Scheme — Amendments C80, C103 and C106.

Mitchell Planning Scheme — Amendment C71.

Monash Planning Scheme — Amendment C81 and C85.

Moreland Planning Scheme — Amendments C112 Part 1, C120 and C124.

Mornington Peninsula Planning Scheme — Amendment C119.

Mount Alexander Planning Scheme — Amendment C50.

Pyrenees Planning Scheme — Amendment C25 Part 2.

Stonnington Planning Scheme — Amendments C89, C150 and C160.

Surf Coast Planning Scheme — Amendment C70.

Swan Hill Planning Scheme — Amendment C38.

Wellington Planning Scheme — Amendments C50 Part 2 and C66.

West Wimmera Planning Scheme — Amendment C22.

Whitehorse Planning Scheme — Amendments C139 and C141.

Whittlesea Planning Scheme — Amendments C77, C128, C143 and C152.

Wyndham Planning Scheme — Amendments C115, C123, C149 and C152.

Yarra Planning Scheme — Amendments C102, C110 and C145.

Yarra Ranges Planning Scheme — Amendments C76, C89 Part 2 and C114.

Yarriambiack Planning Scheme — Amendment C16.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for training dogs and cats to wear electronic collars.

Statutory Rules under the following Acts of Parliament:

- Agricultural Industry Development Act 1990 — No. 38.
- Building Act 1993 — Nos. 48, 49 and 73.
- Control of Weapons Act 1990 — No. 50.
- Country Fire Authority Act 1958 — No. 60.
- Crown Land (Reserves) Act 1978 — No. 41.
- Environment Protection Act 1970 — No. 45.
- Fair Trading Act 1999 — No. 80.
- Forests Act 1958 — No. 42.
- Funerals Act 2006 — No. 71.
- Infringements Act 2006 — Nos. 39 and 67.
- Juries Act 2000 — Nos. 68 and 69.
- Land Act 1958 — No. 40.
- Liquor Control Reform Act 1998 — No. 70.
- Magistrates' Court Act 1989 — Nos. 54, 55, 58 and 59.
- Metropolitan Fire Brigades Act 1958 — No. 61.
- National Parks Act 1975 — No. 43.
- Planning and Environment Act 1987 — No. 63.
- Public Health and Wellbeing Act 2008 — Nos. 57 and 72.
- Regional Growth Fund Act 2011 — No. 65.
- Road Safety Act 1986 — Nos. 51, 62 and 66.
- Subdivision Act 1988 — No. 64.
- Subordinate Legislation Act 1994 — No. 52.
- Supreme Court Act 1986 — Nos. 53, 77 and 78.
- Tobacco Act 1987 — No. 47.
- Transport (Compliance and Miscellaneous) Act 1983 — Nos. 74, 75 and 76.
- Victorian Energy Efficiency Target Act 2007 — No. 56.
- Water Act 1989 — No. 79.
- Wildlife Act 1975 — No. 44.
- Zoological Parks and Gardens Act 1995 — No. 46.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 38 to 68, 71 to 76 and 80.
  - Documents under section 16B in respect of an exemption from section 65A(1) of the Road Safety Act 1986 for persons participating in a Victorian heat of the Australian National Circle Work Championships at the Tatura Racecourse.
  - Guidelines pursuant to section 26 of the Act.

\* \* \* \* \*

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

- Fisheries Amendment Act 2011 — 1 August 2011 (Gazette No. S237, 19 July 2011).
- Justice Legislation Amendment Act 2011 — 1 August 2011 (Gazette No. S245, 26 July 2011).
- Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011 — Part 1 and sections 3, 4, 7, 9, 15(1), 52 to 58 and 102 — 19 July 2011; remaining provisions of Part 2 — 1 August 2011 (Gazette No. S236, 19 July 2011).

**9 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 17 August 2011:

- (1) the Notice of Motion given this day by Mr Lenders relating to job security and employment programs;
- (2) the Notice of Motion given this day by Mr Barber to table an edited copy of an Agreement for Victorian Government funding for the Large-Scale Integrated Drying Gasification and Combined Cycle Demonstration Project;

- (3) the Notice of Motion given this day by Ms Pennicuik for the production of documents relating to the Department of Justice and the *Herald Sun* newspaper arrangement to conduct the on-line sentencing survey;
- (4) the Notice of Motion given this day by Mr Tee relating to the protection of Melbourne's Green Wedges; and
- (5) Notice of Motion No. 133 standing in the name of Ms Hartland relating to the regulation of child beauty pageants.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

**12 CONSUMER ACTS AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Pakula 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.

**13 TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011** — 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.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

**14 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.20 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 30 — Wednesday, 17 August 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Mr Tarlamis presented a Petition bearing 121 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

**KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

\* \* \* \* \*

**LABURNUM STATION TRAIN TIMETABLE** — Mr Leane presented a Petition bearing 69 signatures from certain citizens of Victoria requesting that the Government reintroduce express train services that stop at Laburnum train station.

Ordered to lie on the Table.

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

Auditor-General's Reports on —

Biotechnology in Victoria: the Public Sector's Investment, August 2011.

Developing Cycling as a Safe and Appealing Mode of Transport, August 2011.

Municipal Association of Victoria Insurance — Report, 2009-10.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 79.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2010-11.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2010-11 report.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 JOB CREATION IN VICTORIA** — Mr Lenders moved, That this House condemns the Baillieu Government for —

(1) failing to outline plans to secure and create jobs in Victoria; and

(2) choosing to cut funding for employment programs, support for apprentices, JobWatch, libraries and childcare.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 JOB CREATION IN VICTORIA** — Debate continued on the question, That this House condemns the Baillieu Government for —

(1) failing to outline plans to secure and create jobs in Victoria; and

(2) choosing to cut funding for employment programs, support for apprentices, JobWatch, libraries and childcare.

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

**8 LARGE-SCALE INTEGRATED DRYING GASIFICATION AND COMBINED CYCLE DEMONSTRATION PROJECT FUNDING AGREEMENT** — Mr Barber moved, That there be laid before this House an edited copy of an Agreement of Victorian Government funding for the Large-Scale Integrated Drying Gasification and Combined Cycle Demonstration Project.

Debate ensued.

Question — put and agreed to.

The paper was presented by Mr Barber and ordered to lie on the Table.

**9 PRODUCTION OF DOCUMENTS — DEPARTMENT OF JUSTICE AND HERALD SUN SENTENCING SURVEY** — Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 30 August 2011 a copy of the arrangement and/or contract between the Department of Justice and the *Herald Sun* newspaper to conduct the on-line sentencing survey.

Debate ensued.

Question — put and agreed to.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 140, be postponed until the next day of meeting.

- 11 CHILD BEAUTY PAGEANTS REGULATION** — Ms Hartland moved, That this House calls on the Minister for Community Services to seek advice from the Victorian Child Safety Commissioner on the need for the regulation of child beauty pageants.

Debate ensued.

Question — put and agreed to.

- 12 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.

Ordered — That the consideration of the Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.03 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 31 — Thursday, 18 August 2011

- 1 The President took the Chair and read the Prayer.

- 2 **PETITIONS** —

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Mikakos presented a Petition bearing 83 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

\* \* \* \* \*

**LIBRARY FUNDING** — Ms Tierney presented a Petition bearing 164 signatures from certain citizens of Victoria requesting that the Government reverse its decision to cut library funding and conduct a full funding review to protect the viability of public libraries into the future.

Ordered to lie on the Table.

\* \* \* \* \*

**ALTONA LOOP TRAIN SERVICES** — Ms Hartland presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the proposed changes to the train timetable which will cut services to the Altona Loop be rejected.

Ordered to lie on the Table.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 21 June 2011 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 29 June 2011 giving approval to the granting of a lease at Scotchmans Creek Linear Reserve.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 81 and 82.

Victorian Electoral Commission — Report on the Administration of the Victorian State Election held on 27 November 2010.

Victorian Environmental Assessment Council Act 2001 —

Minister's request for the Victorian Environmental Assessment Council to conduct an investigation into public land in the vicinity of Yellingbo Conservation Reserve, pursuant to section 16(1)(a) of the Act.

Minister's response to submissions on the proposed terms of reference for the investigation into public land in the vicinity of Yellingbo Conservation Reserve, pursuant to section 16(2) of the Act.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.
- 8 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 23	NOES, 15
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr
Ms Crozier	Mr Jennings
Mr Dalla-Riva	Mr Leane
Mr D.M. Davis	Mr Lenders
Mr P.R. Davis	Ms Mikakos ( <i>Teller</i> )
Mr Drum	Mr Pakula
Mr Elsbury	Ms Pulford
Mr Finn	Mr Scheffer
Mr Guy	Mr Somyurek
Mr Hall	Mr Tarlamis
Ms Hartland ( <i>Teller</i> )	Mr Tee
Mr Koch	Ms Tierney ( <i>Teller</i> )
Ms Lovell	Mr Viney
Mr O'Brien	
Mr O'Donohue	
Mr Ondarchie	
Ms Pennicuik	
Mrs Petrovich	
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

- 9 DRUGS POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the inclusion of substances as drugs of dependence and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Jennings), the debate was adjourned for one week.

- 10 FARM DEBT MEDIATION BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the resolution of farm debt disputes by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or other enforcement action under a farm mortgage and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 11 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 in relation to protective services officers and to amend the Bail Act 1977, the Control of Weapons Act 1990, the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Environment Protection Act 1970, the Graffiti Prevention Act 2007, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989, the Mental Health Act 1986, the Road Safety Act 1986, the Summary Offences Act 1966 and the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 12 LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 and the City of Melbourne Act 2001, to consequentially amend the Local Government (Brimbank City Council) Act 2009 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Tee), the debate was adjourned for one week.

**13 SITTING OF THE COUNCIL** — Mr Dalla-Riva moved, That the Council, at its rising, adjourn until Tuesday, 30 August 2011.

Question — put and agreed to.

**14 ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned until later this day.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**16 ISRAEL BOYCOTT BY MARRICKVILLE COUNCIL** — Ms Crozier moved, That this House —

- (1) acknowledges that Israel is a legitimate and democratic state and a good friend of Australia;
- (2) notes the public backlash against the decision by Marrickville Council to boycott Israel;
- (3) calls on all public organisations and entities to withdraw any support for this boycott that they may have previously provided; and
- (4) calls on all members of the Victorian Legislative Council to declare their support for Israel, reject racist and inflammatory actions against Australia's allies and condemn the boycott of Israel.

Debate ensued.

Mr Barber moved, as an amendment, That all the words after "That" be omitted with a view of inserting in their place "this House supports the aspirations and rights of each of the Palestinian and the Israeli peoples to independent states, living in peace and security."

Debate ensued.

Question — That the amendment moved by Mr Barber be agreed to — put and negatived.

Question, That this House —

- (1) acknowledges that Israel is a legitimate and democratic state and a good friend of Australia;
- (2) notes the public backlash against the decision by Marrickville Council to boycott Israel;
- (3) calls on all public organisations and entities to withdraw any support for this boycott that they may have previously provided; and
- (4) calls on all members of the Victorian Legislative Council to declare their support for Israel, reject racist and inflammatory actions against Australia's allies and condemn the boycott of Israel.

— put and agreed to.

**17 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.45 p.m., adjourned until Tuesday, 30 August 2011.

MATTHEW TRICARICO  
Acting Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 29, 30 and 31

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Tuesday, 16 August 2011

### 1 CONSUMER ACTS AMENDMENT BILL 2011

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Mr Pakula moved —

1. Clause 4, page 6, lines 30 and 31, after "estate agent" insert ", employee of the estate agent".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos ( <i>Teller</i> )	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall ( <i>Teller</i> )
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 40** — put and agreed to.

**Bill reported without amendment.**

### 2 TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011

**Clauses 1 to 45** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 18 August 2011

### 1 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Lenders moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 and 5** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 32, 33 and 34

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#### No. 32 — Tuesday, 30 August 2011

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MS KAREN MARIE OVERINGTON** — Mr D.M. Davis moved, by leave, That this House expresses its sincere sorrow at the death, on 11 August 2011, of Ms Karen Marie Overington, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Ballarat West from 1999 to 2010.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
Mr D.M. Davis moved, That as a further mark of respect to the memory of the late Ms Karen Marie Overington, the sitting be suspended for one hour.  
Question — put and agreed to.  
*[Sitting suspended from 2.48 p.m. until 3.51 p.m.]*
- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 23 August 2011, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Consumer Acts Amendment Act 2011*  
*Parliamentary Salaries and Superannuation Amendment Act 2011*  
*Transport Legislation Amendment (Port of Hastings Development Authority) Act 2011.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.  
Mr D.M. Davis, having provided an explanation as to why answers to certain questions on notice had not been provided —  
Mr Viney moved, That the Council take note of the explanation.  
Debate ensued.  
Question — put and agreed to.
- 5 **PETITIONS** —  
**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Mr Tarlamis presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.  
Ordered to lie on the Table.

**LABURNUM STATION TRAIN TIMETABLE** — Mr Leane presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Government reintroduce express train services that stop at Laburnum train station.

Ordered to lie on the Table.

\* \* \* \* \*

**OUYEN P-12 COLLEGE** — Ms Broad presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government allocate funds in the 2012-13 State Budget for the completion of Ouyen P-12 College.

Ordered to lie on the Table.

\* \* \* \* \*

**WHITTLESEA-KINGLAKE SHUTTLE BUS** — Ms Broad presented a Petition bearing 173 signatures from certain citizens of Victoria requesting that the Government reinstate the Whittlesea to Kinglake Shuttle Bus service.

Ordered to lie on the Table.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 9 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**PRODUCTION OF DOCUMENTS — ON-LINE SENTENCING SURVEY** — The Acting Clerk laid on the Table a letter from the Attorney-General dated 29 August 2011 in response to the Resolution of the Council of 17 August 2011 seeking the production of documents relating to the arrangement and/or contract between the Department of Justice and the *Herald Sun* newspaper to conduct the on-line sentencing survey, advising that the Government is not able to respond to the Council's resolution within the time period requested by the Council but will endeavour to respond as soon as possible.

On the motion of Mr Barber (for Ms Pennicuik), the letter was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

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

Auditor General's Office — Report, 2010-11.

Education and Training Reform Act 2006 — Notice of the decision of the Victorian Registration and Qualifications Authority to approve the Melbourne College of Divinity to operate as a university.

Linking Melbourne Authority — Report, 2010-11.

Ombudsman — Report on Prisoner Access to Health Care, August 2011.

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

Campaspe Planning Scheme — Amendment C77.

Casey Planning Scheme — Amendment C125.

Frankston Planning Scheme — Amendment C80.

Greater Shepparton Planning Scheme — Amendment C138.

Hobsons Bay Planning Scheme — Amendment C67.

Melbourne Planning Scheme — Amendment C163.

Moirra Planning Scheme — Amendments C57 and C58.

Mornington Peninsula Planning Scheme — Amendments C74 Part 2 and C157.

Moyne Planning Scheme — Amendment C25.

Nillumbik Planning Scheme — Amendment C65.

Port Phillip Planning Scheme — Amendment C105.

Southern Grampians Planning Scheme — Amendment C20.

Whittlesea Planning Scheme — Amendment C99.

Rolling Stock (VL-1) Pty Ltd — Minister's report of receipt of 2010-11 report.  
 Rolling Stock (VL-2) Pty Ltd — Minister's report of receipt of 2010-11 report.  
 Rolling Stock (VL-3) Pty Ltd — Minister's report of receipt of 2010-11 report.  
 Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2010-11.  
 Rolling Stock (Victoria-VL) Pty Ltd — Report, 2010-11.  
 Statutory Rules under the following Acts of Parliament:  
   County Court Act 1958 — Nos. 81 and 82.  
   Estate Agents Act 1980 — No. 84.  
   Residential Tenancies Act 1997 — No. 83.  
 Subordinate Legislation Act 1994 —  
   Documents under section 15 in respect of Statutory Rule Nos. 69, 77, 78, 83 and 84.  
   Keno Technical Standard made under the Gambling Regulation Act 2003 and related documents under section 16B.  
 Victorian Rail Track — Report, 2010-11.  
 Victorian Regional Channels Authority — Report, 2010-11.

\* \* \* \* \*

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

Consumer Affairs Legislation Amendment (Reform) Act 2010 — remaining provisions Part 5 — 17 August 2011 (Gazette No. S265, 16 August 2011).  
 Family Violence Protection Amendment (Safety Notices) Act 2011 — 5 September 2011 (Gazette No. S271, 23 August 2011).  
 Multicultural Victoria Act 2011 — 1 September 2011 (Gazette No. S271, 23 August 2011).  
 Personal Safety Intervention Orders Act 2010 — remaining provisions — 5 September 2011 (Gazette No. S271, 23 August 2011).  
 Residential Tenancies Amendment Act 2010 — except section 76 and Part 6 — 1 September 2011 (Gazette No. S265, 16 August 2011).

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 31 August 2011:

- (1) Notice of Motion No. 152, standing in the name of Mr Viney, relating to the referral of a matter to the Privileges Committee;
- (2) Notice of Motion No. 145, standing in the name of Mr Barber, relating to the production of documents relating to the myki ticketing system;
- (3) Notice of Motion No. 140, standing in the name of Mr Tee, relating to Melbourne Green Wedges;
- (4) Notice of Motion No. 143, standing in the name of Ms Hartland, relating to end of life medical treatment and patient choices in aid in dying;
- (5) Notice of Motion No. 131, standing in the name of Mr Pakula, relating to Government accountability;
- (6) Notice of Motion No. 151, standing in the name of Mr Barber, relating to the production of documents relating to impacts of carbon pricing on employment in Victoria; and
- (7) Order of the Day No. 15, relating to Australian Grand Prix Corporation documents.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 24, 105 to 114, 134, 139, 142, 144, 146 and 147, be postponed until later this day.

**10 ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011** — Mr D.M. Davis moved, That the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report within 6 months of the passing of this resolution, and in particular, the Committee

is to give consideration to proposals for nationally consistent or uniform approaches to waste recycling and disposal and the potential impact passage of the Bill in its current form may have on such options and make recommendations on Victoria's engagement in national recycling initiatives and to include in the report an examination of environmental benefits and to further examine any cost of living impacts.

Debate ensued.

Mrs Peulich moved, as an amendment, That all the words after "benefits" be omitted with a view of inserting in their place ", financial costs and benefits, any cost of living impacts and any other matter the Committee considers is relevant thereto."

Debate ensued.

Question — That the amendment moved by Mrs Peulich be agreed to — put and agreed to.

Question — That the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report within 6 months of the passing of this resolution, and in particular, the Committee is to give consideration to proposals for nationally consistent or uniform approaches to waste recycling and disposal and the potential impact passage of the Bill in its current form may have on such options and make recommendations on Victoria's engagement in national recycling initiatives and to include in the report an examination of environmental benefits, financial costs and benefits, any cost of living impacts and any other matter the Committee considers is relevant thereto.

— put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**12 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011**  
— Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Ms Pennicuik moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until a full, independent, public review of the *Police Regulation Act 1958* is undertaken".

Debate ensued.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders

Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Jennings  
 Mr Koch  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put and agreed to.

Ms Pennicuik moved, That the Justice Legislation Amendment (Protective Services Officers) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 30 November 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 31 AUGUST 2011

The Deputy President reported progress and asked leave to sit again later this day.

Bill to be again considered in Committee of the whole later this day.

- 13 DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 to make further provision with respect to the keeping of restricted breed dogs and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Hall, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Hall, the second reading speech was incorporated into Hansard.
- Mr Hall moved, That the Bill be now read a second time.
- Debate ensued.
- 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.
- 14 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011** — 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 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.
- And then the Council, at 4.35 a.m., adjourned until this day at 9.30 a.m.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 33 — Wednesday, 31 August 2011

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS** —
- WESTERN REGION HEALTH CENTRE DENTAL CARE** — Mr Finn presented a Petition bearing 2,000 signatures from certain citizens of Victoria requesting that the Government take all necessary steps to ensure the safety, quality and future viability of emergency and general dental care at the Western Region Health Centre, and commit to the provision of urgently needed capital upgrades for a new facility.
- Ordered to lie on the Table.
- \* \* \* \* \*
- TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Tierney presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.
- Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
- Auditor-General — Report on Road Safety Camera Program, August 2011.
- Ombudsman — Report, 2010-11 — Part 1.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 86.

Drugs, Poisons and Controlled Substances Act 1981 — No. 88.

Electricity Safety Act 1998 — No. 85.

Tobacco Act 1987 — No. 87.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 85 and 87.

Victorian Multicultural Commission — Report, 2010-11.

- 4 ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE** — Mr D.M. Davis moved, by leave, That Ms Hartland be a participating member of the Environment and Planning Legislation Committee.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 PRIVILEGES COMMITTEE REFERENCE** — Mr Viney moved, That there be referred to the Privileges Committee for inquiry and report whether the Minister for Planning has committed a contempt of the House by misleading the House in his answer to a Question without Notice given in this House on 16 August 2011, relating to logical inclusions and correspondence from Mr James Merlino, MP, regarding the Waverley Golf Club.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Pakula  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney (*Teller*)  
Mr Viney

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

- 7 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:

*Domestic Animals Amendment (Restricted Breeds) Act 2011.*

- 8 STANDING COMMITTEES PARTICIPATING MEMBERS** — Mr D.M. Davis moved, by leave, That —

- (1) Mr Finn be a participating member of the Environment and Planning Legislation and References Committees;
- (2) Mr Ramsay and Mr Elsbury be participating members of the Legal and Social Issues Legislation and References Committees; and

- (3) Ms Crozier and Mr Ondarchie be participating members of the Economy and Infrastructure Legislation and References Committees.

Question — put and agreed to.

- 9 ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE** — Mr D.M. Davis moved, by leave, That Mr Tarlamis be a participating member of the Environment and Planning Legislation Committee for the purpose of its Inquiry into the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011.

Question — put and agreed to.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**CHELSEA HEIGHTS COMMUNITY TAKE A BREAK OCCASIONAL CHILD CARE CENTRE** — Ms Lovell having given answers to a question without notice and a supplementary question without notice relating to Chelsea Heights Community Take a Break Occasional Child Care Centre —

On the motion of Ms Broad, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 11 PRODUCTION OF DOCUMENTS — MYKI TICKETING SYSTEM** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 14 September 2011 a copy of all reviews commissioned by the Government of the myki ticketing system undertaken by Deloitte.

Debate ensued.

Question — put and agreed to.

- 12 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — REFERENCE — GREEN WEDGES** — Mr Tee moved, That this House —

- (1) condemns the Baillieu Government for, in less than nine months, walking away from 30 years of bi-partisan support for the protection and enhancement of Melbourne's green wedges;
- (2) notes the resources of Government being gathered to conduct an unprecedented three pronged attack to destroy green wedges, including —
  - (a) a secret audit being undertaken by the Premier's Office, which the Minister for Planning admitted in this House could increase development on green wedges to anything short of high density housing;
  - (b) the Growth Areas Authority being required to recommend green wedge land for development; and
  - (c) the co-option of local councils who have been asked, in writing, to turn over green wedge land for development; and
- (3) requires the Environment and Planning References Committee to review and report by no later than 1 July 2012 on the circumstances surrounding the development of the Liberal Party policy on the green wedges, including the involvement of former Liberal Member of Parliament, Mr Geoff Leigh, Business First, the Premier, the Minister for Planning and Liberal Party Members of the Victorian Parliament, Mrs Inga Peulich MLC (South-Eastern Metropolitan Region), Ms Lorraine Wreford MP (Member for Mordialloc), and Mrs Donna Bauer MP (Member for Carrum).

Debate ensued.

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

- 13 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE** — Ms Lovell moved, by leave, That Ms Hartland be a participating member of the Environment and Planning References Committee.

Question — put and agreed to.

- 14 END OF LIFE MEDICAL TREATMENT** — Ms Hartland moved, That this House calls on the Attorney-General to refer the matter of end of life medical treatment and patient choices in aid in dying to the Victorian Law Reform Commission for inquiry, consideration and report by September 2012.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh ( <i>Teller</i> )	Ms Crozier
Mr Elasmarr ( <i>Teller</i> )	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Pakula	Mr Guy
Ms Pulford	Mr Hall
Mr Scheffer	Mr Koch
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue ( <i>Teller</i> )
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

- 15 ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — REFERENCE — GREEN WEDGES** — Debate resumed on the question, That this House —

- (1) condemns the Baillieu Government for, in less than nine months, walking away from 30 years of bi-partisan support for the protection and enhancement of Melbourne's green wedges;
- (2) notes the resources of Government being gathered to conduct an unprecedented three pronged attack to destroy green wedges, including —
  - (a) a secret audit being undertaken by the Premier's Office, which the Minister for Planning admitted in this House could increase development on green wedges to anything short of high density housing;
  - (b) the Growth Areas Authority being required to recommend green wedge land for development; and
  - (c) the co-option of local councils who have been asked, in writing, to turn over green wedge land for development; and
- (3) requires the Environment and Planning References Committee to review and report by no later than 1 July 2012 on the circumstances surrounding the development of the Liberal Party policy on the green wedges, including the involvement of former Liberal Member of Parliament, Mr Geoff Leigh, Business First, the Premier, the Minister for Planning and Liberal Party Members of the Victorian Parliament, Mrs Inga Peulich MLC (South-Eastern Metropolitan Region), Ms Lorraine Wreford MP (Member for Mordialloc), and Mrs Donna Bauer MP (Member for Carrum).

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 16	NOES, 19
Mr Barber ( <i>Teller</i> )	Mrs Coote
Ms Broad	Ms Crozier

Mr Eideh	Mr Dalla-Riva
Mr Elasmar	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pulford ( <i>Teller</i> )	Mr Hall
Mr Scheffer	Mr Koch
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

- 16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Sitting suspended from 6.30 p.m. until 9.59 p.m. for the purposes of meetings of certain Council Standing Committees —*

- 17 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 10.18 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 34 — Thursday, 1 September 2011

- 1 The President took the Chair and read the Prayer.

- 2 **PAPERS** —

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ENVIRONMENT EFFECTS STATEMENT PROCESS** — Mr Koch presented a Report from the Environment and Natural Resources Committee on the Environment Effects Statement Process in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Alfred Health — Report, 2010-11.

Ambulance Victoria — Report, 2010-11.

Disability Services Commissioner — Report, 2010-11.

Gambling Regulation Act 2003 — Report of the Review Panel to the Minister in relation to Invitations to Apply for the grant of a Wagering and Betting Licence, September 2011.

Health Services Commissioner — Report, 2010-11.

Justice Department — Report, 2010-11.

Office of Police Integrity — Report on Enabling a flexible workforce for policing in Victoria, September 2011.

Ombudsman — Report on SafeStreets Documents — Investigation into Victoria Police's handling of a Freedom of Information Request, September 2011.

Port of Melbourne Corporation — Report, 2010-11.

Premier and Cabinet Department — Report, 2010-11.

Victorian Government Purchasing Board — Report, 2010-11.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 4 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 5 LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011** — 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 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.
- 6 ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 8 ACCIDENT TOWING SERVICES AMENDMENT BILL 2011** — Debate continued 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.
- 9 FARM DEBT MEDIATION BILL 2011** — 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.
- 10 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Hartland 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.

- 11 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Practitioner Regulation National Law (Victoria) Act 2009 to provide for a time period within which an appeal to VCAT must be made and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

- 12 ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the office of Road Safety Camera Commissioner and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 13 SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and the Sentencing Act 1991 to repeal provisions relating to home detention orders and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 14 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Rail Safety Act 2006, the Bus Safety Act 2009 and the Bus Services Act 1995 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 15 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until Tuesday, 13 September 2011.

Question — put and agreed to.

**16 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.34 p.m., adjourned until Tuesday, 13 September 2011.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 32, 33 and 34

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**Tuesday, 30 August 2011**

### 1 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

**Clause 1** — Mr Dalla-Riva moved, That the Deputy President report progress and ask leave to sit again later this day.

Mr Lenders moved, That all the words after “again” be omitted with a view to inserting in their place “on the next day of meeting”.

Debate ensued.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms. Crozier
Mr Elasmarr ( <i>Teller</i> )	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Mr Pakula	Mr Finn ( <i>Teller</i> )
Ms Pennicuik	Mr Guy
Ms Pulford	Mr Hall ( <i>Teller</i> )
Mr Scheffer ( <i>Teller</i> )	Mr Koch
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That the Deputy President report progress and ask leave to sit again later this day —put and agreed to.

**Progress reported.**

**Wednesday, 31 August 2011 (morning)**

### 1 DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREEDS) BILL 2011

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**

## 2 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

*Progress having been reported on 30 August 2011 —*

**Clause 1** — Mr Lenders moved, That the Deputy President report progress and ask leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh ( <i>Teller</i> )	Ms. Crozier
Mr Elasmarr	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Mr Pakula	Mr Finn
Ms Pulford ( <i>Teller</i> )	Mr Guy
Mr Scheffer	Mr Hall
Mr Somyurek	Mr Koch
Mr Tarlamis	Ms Lovell
Mr Tee	Mr O'Brien
Ms Tierney	Mr O'Donohue ( <i>Teller</i> )
Mr Viney	Mr Ondarchie
	Mrs Petrovich ( <i>Teller</i> )
	Mrs Peulich
	Mr Rich-Phillips

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**New Clause** — Mr Pakula moved —

1. Insert the following New Clause to follow clause 4—

**'AA New section 118I inserted**

After section 118H of the **Police Regulation Act 1958** insert —

**"118I Review of operation of Justice Legislation Amendment (Protective Services Officers) Act 2011**

- (1) The Drugs and Crime Prevention Committee must commence to inquire into and consider the operation of the amendments to legislation made by the **Justice Legislation Amendment (Protective Services Officers) Act 2011** no later than 12 months after the first date on which all the provisions of that Act have been proclaimed.
- (2) Within 6 months after the commencement of its inquiry and consideration, the Drugs and Crime Prevention Committee must make a final report to the Parliament on the outcome of its inquiry and consideration.
- (3) The report must include—
  - (a) the number of incidents involving protective services officers that have occurred; and
  - (b) for each incident—
    - (i) the nature of the incident; and
    - (ii) the location of the incident; and
    - (iii) whether force or weaponry was used; and
    - (iv) whether the action taken by the protective services officer or officers is considered an appropriate response to the matter giving rise to the incident; and

- (c) the number of offences committed against protective services officers in the course of their duties and the nature and location of each of those offences.
- (4) Sections 34, 35, 36 and 37 of the **Parliamentary Committees Act 2003** apply to the report as if it were a report of a matter referred to a Committee under section 33(1)(a) of that Act.
- (5) In this section—  
**Drugs and Crime Prevention Committee** means the committee established under section 5(a) of the **Parliamentary Committees Act 2003**;  
**incident**, involving a protective services officer, means any incident in which the protective services officer exercises, in relation to a member of the public, a power that the officer has by virtue of an amendment to legislation made by the **Justice Legislation Amendment (Protective Services Officers) Act 2011**."

Question — That New Clause AA stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Ms Hartland ( <i>Teller</i> )	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Mr Pakula	Mr Finn
Ms Pulford	Mr Hall
Mr Scheffer ( <i>Teller</i> )	Mr Koch
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

**Clauses 5 to 63** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 1 September 2011

### 1 LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011

**Clauses 1 to 12** — put and agreed to.

**Bill reported without amendment.**

### 2 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011

**Clauses 1 to 4** — put and agreed to.

*The Deputy President decided that as the three new clauses to be proposed by Ms Hartland contain cross reference provisions to clause 5 of the Bill, the remaining clauses of the Bill, including clause 5, would be considered before the new clauses.*

**Clauses 5 and 6** — put and agreed to.

**New Clause A** — Ms Hartland moved —

1. After Clause 4 insert the following new clause —

**'A Possession of a drug of dependence**

(1) After section 73(1)(a) of the Principal Act **insert**—

"(ab) to a penalty of not more than 5 penalty units where the court is satisfied on the balance of probabilities that—

(i) the offence was committed in relation to a quantity of a drug of dependence prescribed in accordance with section 132AA that is not more than the small quantity applicable to that drug of dependence;

(ii) the offence was not committed for any purpose related to trafficking in the drug of dependence prescribed in accordance with section 132AA;".

(2) In section 73(1)(b) of the Principal Act after "paragraph (a)" **insert** "and paragraph (ab)".

Question — That New Clause A stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 2

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)

NOES, 33

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney

Question negatived.

**New Clause B** — Ms Hartland moved —

2. After Clause 4 insert the following new clause —

**'B Use of drug of dependence**

After section 75(a) of the Principal Act **insert**—

"(ab) where the court is satisfied on the balance of probabilities that the offence was committed in relation to a drug of dependence prescribed in accordance with section 132AA—to a penalty of not more than 5 penalty units; and".

Question — That new Clause B stand part of the Bill — put and negatived.

**New Clause C** — Ms Hartland moved —

3. After Clause 4 insert the following new clause —

**'C Adjourned bonds to be given in certain cases**

In section 76(1)(ab) of the Principal Act after "Schedule Eleven" **insert** "or a drug of dependence prescribed in accordance with section 132AA".

Question — That New Clause C stand part of the Bill — put and negatived.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 35, 36 and 37

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#### No. 35 — Tuesday, 13 September 2011

- 1 The President took the Chair and read the Prayer.
- 2 **TERRORIST ATTACKS IN THE UNITED STATES OF AMERICA** — Mr D.M. Davis moved, by leave, That this House —
  - (1) takes solemn note of the tenth anniversary of the terrorist attacks in the United States of America on 11 September 2001; and
  - (2) honours the memory of the victims who came from many nations and faiths, as well as the heroism and sacrifice of fire-fighters, police, military and government personnel and citizens.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 6 September 2011, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Accident Towing Services Amendment Act 2011*
  - Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Act 2011*
  - Farm Debt Mediation Act 2011*
  - Justice Legislation Amendment (Protective Services Officers) Act 2011*
  - Local Government Amendment (Electoral Matters) Act 2011.*

- 4 **PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had waited upon the Governor on 2 September 2011 and presented to him the Address of the Legislative Council adopted on 30 June 2011 in reply to the former Governor's speech at the Opening of Parliament, and that he 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.

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
  - PUBLIC HOUSING** — Ms Lovell having given an answer to a question without notice and supplementary question relating to public housing —On the motion of Ms Broad, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**HIGH STREET PRESTON PUBLIC HOUSING** — Ms Lovell having given an answer to a question without notice and supplementary question relating to High Street Preston Public Housing —

On the motion of Ms Broad, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**ROOMING HOUSE SAFETY** — Ms Lovell having given an answer to a question without notice and supplementary question relating to rooming house safety —

On the motion of Mr Viney, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**HOUSING WEEK CELEBRATIONS** — Ms Lovell having given an answer to a question without notice and supplementary question relating to housing week celebrations —

On the motion of Ms Broad, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 6 PETITION — LABURNUM STATION TRAIN TIMETABLE** — Mr Leane presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Government reintroduce express train services that stop at Laburnum train station.

Ordered to lie on the Table.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 10 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Adult Community and Further Education Board — Report, 2010-11.

Agriculture Victoria Services Pty Ltd — Report, 2010-11.

Casterton Memorial Hospital — Report, 2010-11.

City West Water Limited — Report, 2010-11.

Crown Land (Reserves) Act 1978 —

Minister's Order of 24 August 2011 giving approval to the granting of a licence at Domain House Reserve.

Minister's Order of 29 August 2011 giving approval to the granting of a lease and licence at Torquay and Jan Juc Foreshore Reserve.

Dairy Food Safety Victoria — Minister's report of receipt of 2010-11 report.

Djerriwarrh Health Services — Report, 2010-11.

Dunmunkle Health Services — Report, 2010-11.

East Wimmera Health Service — Report, 2010-11.

Edenhope and District Memorial Hospital — Report, 2010-11.

Education and Early Childhood Development Department — Report, 2010-11.

Emerald Tourist Railway Board — Report, 2010-11.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2010-11.

Growth Areas Authority — Report, 2010-11.

Hepburn Health Service — Report, 2010-11.

Heywood Rural Health — Report, 2010-11.

Inglewood and Districts Health Service — Report, 2010-11.

- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in respect of Statutory Rule No. 92.
- Kooweerup Regional Health Service — Report, 2010-11.
- Lorne Community Hospital — Report, 2010-11.
- Mental Health Review Board incorporating Psychosurgery Review Board — Report, 2010-11.
- Moyne Health Services — Report, 2010-11.
- Murray Valley Citrus Board — Minister's report of receipt of 2010-11 report.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2010-11 report.
- Omeo District Health — Report, 2010-11.
- Orbost Regional Health — Report, 2010-11.
- Otway Health and Community Services — Report, 2010-11.
- Phytogene Pty Ltd — Minister's report of receipt of 2010-11 report.
- Planning and Community Development Department — Report, 2010-11.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Banyule Planning Scheme — Amendment C81.
  - Boroondara Planning Scheme — Amendment C159.
  - Brimbank Planning Scheme — Amendment C125 Part 2.
  - Cardinia Planning Scheme — Amendment C158.
  - Casey Planning Scheme — Amendment C132.
  - Glen Eira Planning Scheme — Amendments C84 and C88.
  - Glenelg Planning Scheme — Amendment C70.
  - Greater Bendigo Planning Scheme — Amendment C154.
  - Greater Geelong Planning Scheme — Amendment C257.
  - Horsham Planning Scheme — Amendment C25 Part 4.
  - Maroondah Planning Scheme — Amendment C77.
  - Melbourne Planning Scheme — Amendment C183.
  - Monash Planning Scheme — Amendment C106.
  - Moonee Valley Planning Scheme — Amendments C97 and C105.
  - Mount Alexander Planning Scheme — Amendment C46.
  - Moyne Planning Scheme — Amendment C51.
  - Victoria Planning Provisions — Amendment VC82.
  - Wellington Planning Scheme — Amendment C65 Part 2.
- Queen Victoria Women's Centre Trust — Minister's report of receipt of 2010-11 report.
- Robinvale District Health Services — Report, 2010-11.
- Rural Northwest Health — Report, 2010-11.
- State Services Authority — Report, 2010-11.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 92.
  - Family Violence Protection Act 2008 — Nos. 93 and 95.
  - Gene Technology Act 2001 — No. 91.
  - Magistrates' Court Act 1989 — No. 90.
  - Personal Safety Intervention Orders Act 2010 — Nos. 89, 94 and 96.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 97.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 86, 88 to 92, 97 and 99.
- Sustainability and Environment Department — Report, 2010-11.
- Tallangatta Health Service — Report, 2010-11.
- Terang and Mortlake Health Service — Report, 2010-11.
- Timboon and District Healthcare Service — Report, 2010-11.
- Transport Accident Commission — Report, 2010-11.
- Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2010-11 report.
- Victorian Curriculum and Assessment Authority — Report, 2010-11.

Victorian Environmental Assessment Council — Final Report on the Metropolitan Melbourne Investigation, August 2011.

Victorian Institute of Teaching — Report, 2010-11.

Victorian Registration and Qualifications Authority — Report, 2010-11.

Victorian Skills Commission — Report, 2010-11.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2010-11 report.

Victorian Urban Development Authority — Report, 2010-11.

Victorian Veterans Council — Minister's report of receipt of 2010-11 report.

Yarrawonga District Health Service — Report, 2010-11.

Youth Parole and Youth Residential Boards — Report, 2010-11.

Zoological Parks and Gardens Board — Report, 2010-11.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 14 September 2011:

- (1) Notice of Motion No. 156 standing in the name of Mr Lenders relating to the disallowance of certain regulations;
- (2) Notice of Motion No. 151 standing in the name of Mr Barber relating to the production of documents relating to the carbon pricing modelling prepared by Deloitte for the Department of Premier and Cabinet;
- (3) the Notice of Motion given this day by Mr Tee relating to the revocation of Victorian Planning Provisions Amendment VC82;
- (4) Order of the Day No. 14, relating to the production of documents relating to the *Herald Sun* on-line sentencing survey;
- (5) the Notice of Motion given this day by Mr Somyurek relating to the Victorian manufacturing sector;
- (6) Order of the Day No. 15, relating to the production of documents relating to the Australian Grand Prix Corporation; and
- (7) Notice of Motion No. 131 standing in the name of Mr Pakula relating to Freedom of Information decision making.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No.1, be postponed until later this day.

**11 SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until an independent, public evaluation of the operation of the provisions introduced by the *Justice Legislation Amendment Act 2010* has been conducted."

Debate ensued.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 34

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr Drum

Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings (*Teller*)  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula (*Teller*)  
Mrs Petrovich  
Mrs Peulich

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question 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.

**12 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011 —**  
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 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.

**13 ADJOURNMENT —** Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 9.25 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 36 — Wednesday, 14 September 2011**

1 The President took the Chair and read the Prayer.

2 **PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.

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

**3 PAPERS —****PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —**

**2011-12 BUDGET ESTIMATES — PART THREE** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2011-12 Budget Estimates — Part Three (including an Appendix).

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ANNUAL REPORT 2010-11** — Mr P.R. Davis presented the Annual Report 2010-11 from the Public Accounts and Estimates Committee.

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REVIEW OF THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006** — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee on the Review of the *Charter and Human Rights and Responsibilities Act 2006* (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT 2010-11 —**

Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission Report 2010-11.

Question — put and agreed to.

The Report was presented by Mr Rich-Phillips and ordered to lie on the Table.

\* \* \* \* \*

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

Albury Wodonga Health — Report 2010-11.

Auditor-General Reports on —

Business Planning for Major Capital Works and Recurrent Services in Local Government, September 2011.

Individualised Funding for Disability Services, September 2011.

Boort District Health — Report, 2010-11.

Building Commission — Report, 2010-11.

Essential Services Commission — Report, 2010-11.

Geoffrey Gardiner Dairy Foundation Limited — Report, 2010-11.

Gippsland Southern Health Service — Report, 2010-11.

Greyhound Racing Victoria — Report, 2010-11.

Harness Racing Victoria — Report, 2010-11.

Heritage Council of Victoria — Minister's report of receipt of 2010-11 report.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 12 September 2011 pursuant to section 7(4) of the Act.

Mansfield District Hospital — Report, 2010-11.

Northern Health — Report, 2010-11.

Northern Victoria Fresh Tomato Industry Development Committee — Minister's report of receipt of 2010-11 report.

Ombudsman — Report, 2010-11 — Part 2.

Plumbing Industry Commission — Report, 2010-11.

Primary Industries Department — Report, 2010-11.

PrimeSafe — Minister's report of receipt of 2010-11 report.

Radiation Advisory Committee — Report, 2010-11.

Roads Corporation — Report, 2010-11.

Royal Children's Hospital — Report, 2010-11.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 99.

Subordinate Legislation Act 1994 — No. 98.

Subordinate Legislation Act 1994 — Minister's determination of 1 September 2011 that specified areas are designated bushfire prone areas under regulation 810 of the Building Regulations 2006 and related documents, pursuant to section 16B.

Transport Department — Report, 2010-11.

Transport Ticketing Authority — Report, 2010-11.

VicForests — Report, 2010-11.

Victorian Managed Insurance Authority — Report, 2010-11, together with 2010-11 Financial Statements for Housing Guarantee Claims Fund and Domestic Buildings (HIH) Indemnity Fund.

Victorian WorkCover Authority — Report, 2010-11.

#### 4 PRODUCTION OF DOCUMENTS —

**ONLINE SENTENCING SURVEY** — The Clerk laid on the Table a letter from the Attorney-General dated 9 September 2011 in response to the Resolution of the Council of 17 August 2011 seeking the production of documents relating to the arrangement and/or contract between the Department of Justice and the *Herald Sun* newspaper to conduct the on-line sentencing survey —

- advising that after a search by the Department of Justice, it appears that no documents match the terms of the resolution; and
- enclosing a letter from the Department of Justice to the *Herald Sun* newspaper detailing arrangements for the publication of the sentencing survey.

On the motion of Ms Pennicuik, the letters were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**NETWORK REVENUE PROTECTION PLAN** — The Clerk laid on the Table a letter from the Minister for Public Transport dated 12 September 2011 in response to the Resolution of the Council of 15 June 2011 seeking the production of documents relating to the Network Revenue Protection Plan (NRPP) for the 2011 calendar year, prepared under section 10.1 of the Metlink Services Agreement —

- advising that there is no document that responds to that order as the NRPP for the 2011 calendar year has not yet been finalised;
- advising that the Director of Public Transport has provided an extension of time to Metlink to finalise the 2011 plan;
- enclosing a copy of the draft NRPP for 2011.

On the motion of Ms Pennicuik, the letter and document were ordered to be taken into consideration on the next day of meeting.

#### 5 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

#### 6 WATER (LONG SERVICE LEAVE) REGULATIONS 2011 — Mr Lenders moved, That the Water (Long Service Leave) Regulations 2011 (S.R. No. 79/2011) be disallowed.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**7 PRODUCTION OF DOCUMENTS — CARBON PRICING IMPACTS ON EMPLOYMENT —**

Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 13 September 2011 a copy of all documents modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet and released to the *Herald Sun* in August 2011.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 PRODUCTION OF DOCUMENTS — CARBON PRICING IMPACTS ON EMPLOYMENT —**

Debate continued on the question, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 13 September 2011 a copy of all documents modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet and released to the *Herald Sun* in August 2011.

Ms Pennicuik moved, as an amendment, That “13 September 2011” be omitted with the view of inserting in its place “11 October 2011”.

Debate ensued.

Question — That the amendment moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 11 October 2011 a copy of all documents modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet and released to the *Herald Sun* in August 2011.

— put and agreed to.

**10 VICTORIA PLANNING PROVISIONS — AMENDMENT VC82 —** Mr Tee moved, That Amendment VC82 to the Victoria Planning Provisions be revoked.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Tee.*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*[Proceedings suspended from 6.30 p.m. until 9.49 p.m. for the purposes of meetings of certain Council Standing Committees].*

**12 VICTORIA PLANNING PROVISIONS — AMENDMENT VC82** — Debate continued on the question, That Amendment VC82 to the Victoria Planning Provisions be revoked.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders the debate stood adjourned in the name of Mr Tee —*

**13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.37 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 37 — Thursday, 15 September 2011

1 The President took the Chair and read the Prayer.

**2 PETITION — WHITTLESEA TO KINGLAKE SHUTTLE BUS** — Ms Broad presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Government reinstate the Whittlesea to Kinglake Shuttle Bus service.

Ordered to lie on the Table.

**3 PAPERS —**

**CONSUMER UTILITIES ADVOCACY CENTRE** — Mr Guy moved, by leave, That there be laid before this House a copy of the Consumer Utilities Advocacy Centre Report, 2010-11.

Question — put and agreed to.

The Report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**OFFICE OF PUBLIC ADVOCATE** — Mr Dalla-Riva moved, by leave, That there be laid before this House a copy of the Office of Public Advocate Report, 2010-11.

Question — put and agreed to.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**DEPARTMENTS OF THE LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES** —

Mr Leane (for Mr Viney) moved, by leave, That there be laid before this House a copy of the Departments of the Legislative Council and Parliamentary Services Reports, 2010-11.

Question — put and agreed to.

The Reports were presented by Mr Leane and ordered to lie on the Table.

\* \* \* \* \*

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

Accident Compensation Conciliation Service — Report, 2010-11.

Adult Parole Board of Victoria — Report, 2010-11.

Alexandra District Hospital — Report, 2010-11.

Alpine Health — Report, 2010-11.

Australian Centre for the Moving Image — Report, 2010-11.

Bairnsdale Regional Health Service — Report, 2010-11.

Barwon Region Water Corporation — Report, 2010-11.

Bass Coast Regional Health — Report, 2010-11.

Benalla and District Memorial Hospital — Report, 2010-11.

Bendigo Health Care Group — Report, 2010-11.  
Central Gippsland Region Water Corporation — Report, 2010-11.  
Central Highlands Region Water Corporation — Report, 2010-11.  
Child Safety Commissioner — Report, 2010-11.  
Cobram District Health — Report, 2010-11.  
Coliban Region Water Corporation — Report, 2010-11.  
Community Visitors — Report, 2010-11.  
Consumer Affairs Victoria — Report, 2010-11.  
East Gippsland Region Water Corporation — Report, 2010-11.  
Emergency Services Superannuation Scheme — Report, 2010-11.  
Energy Safe Victoria — Report, 2010-11.  
Fed Square Pty Ltd — Report, 2010-11.  
Food Safety Council — Report, 2010-11.  
Geelong Performing Arts Centre Trust — Report, 2010-11.  
Gippsland and Southern Rural Water Corporation — Report, 2010-11.  
Goulburn-Murray Rural Water Corporation — Report, 2010-11.  
Goulburn Valley Region Water Corporation — Report, 2010-11.  
Grampians Wimmera Mallee Water Corporation — Report, 2010-11.  
Hesse Rural Health Service — Report, 2010-11.  
Human Services Department — Report, 2010-11.  
International Fibre Centre — Minister's report of receipt of 2010-11 report.  
Kerang District Health — Report, 2010-11.  
Kyneton District Health Service — Report, 2010-11.  
Legal Services Board — Report, 2010-11.  
Legal Services Commissioner — Report, 2010-11.  
Library Board of Victoria — Report, 2010-11.  
Lower Murray Urban and Rural Water Corporation — Report, 2010-11.  
Mallee Track Health and Community Service — Report, 2010-11.  
Maryborough District Health Service — Report, 2010-11.  
Melbourne Recital Centre — Report, 2010-11.  
Melbourne Water Corporation — Report, 2010-11.  
Metropolitan Fire and Emergency Services Board — Report, 2010-11.  
Museums Board of Victoria — Report, 2010-11.  
National Gallery of Victoria Trustees — Report, 2010-11.  
North East Region Water Corporation — Report, 2010-11.  
Northeast Health Wangaratta — Report, 2010-11.  
Numurkah District Health Service — Report, 2010-11.  
Office of Police Integrity — Report, 2010-11.  
Parliamentary Contributory Superannuation Fund — Report, 2010-11.  
Public Record Office Victoria — Report, 2010-11.  
Queen Elizabeth Centre — Report, 2010-11.  
Racing Integrity Commissioner's Office — Report, 2010-11.  
Residential Tenancies Bond Authority — Report, 2010-11.  
Royal Victorian Eye and Ear Hospital — Report, 2010-11.  
Royal Women's Hospital — Report, 2010-11.  
Rural Finance Corporation of Victoria — Report, 2010-11.  
Shrine of Remembrance Trustees — Minister's report of receipt of 2010-11 report.  
Small Business Commissioner's Office — Report, 2010-11.  
South East Water Limited — Report, 2010-11.  
South Gippsland Region Water Corporation — Report, 2010-11.  
State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Report, 2010-11.  
State Sport Centres Trust — Report 2010-11.  
State Trustees Limited — Report, 2010-11.  
V/Line Corporation — Report, 2010-11.  
V/Line Pty Ltd — Report, 2010-11.  
Victoria Law Foundation — Report, 2010-11.  
Victoria Legal Aid — Report, 2010-11.

Victorian Arts Centre Trust — Report, 2010-11.  
 Victorian Civil and Administrative Tribunal — Report, 2010-11.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2010-11.  
 Victorian Institute of Forensic Mental Health — Report, 2010-11.  
 VITS LanguageLink — Report, 2010-11.  
 Wannon Region Water Corporation — Report, 2010-11.  
 Water Industry Act 1994 — Report on major water users, 2010-11, for City West Water Limited, South East Water Limited and Yarra Valley Water Limited, pursuant to section 77A of the Act.  
 Western District Health Service — Report, 2010-11.  
 Western Region Water Corporation — Report, 2010-11.  
 Westernport Region Water Corporation — Report, 2010-11.  
 Yarra Valley Water Limited — Report, 2010-11.  
 Yarram and District Health Service — Report, 2010-11.  
 Young Farmers' Finance Council — Report, 2010-11.

- 4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 11 October 2011.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 7 PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Lenders), the debate was adjourned until later this day.

- 8 ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Pakula were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mr Leane

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Mr Lenders  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**10 ROAD SAFETY CAMERA COMMISSIONER BILL 2011** — 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.

**11 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

**12 PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011** — 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.

**13 HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011** — 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.

**14 COMMERCIAL ARBITRATION BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act relating to the conduct of commercial arbitrations, to repeal the Commercial Arbitration Act 1984 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Rich-Phillips made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 15 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the prohibition of display, sale and supply of cannabis water pipes and components and the restriction of display for sale of hookahs and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 16 ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electronic Transactions (Victoria) Act 2000 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 RESOURCES LEGISLATION AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990, the Mineral Resources Amendment (Sustainable Development) Act 2010, the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Pipelines Act 2005 and the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

- 18 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 4.58 p.m., adjourned until Tuesday, 11 October 2011.

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 35, 36 and 37

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**Tuesday, 13 September 2011**

**1 SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011**

**Clauses 1 to 28** — put and agreed to.

**Bill reported without amendment.**

**2 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011**

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Question — That clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mr Pakula (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**Clauses 4 to 34** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 15 September 2011

### 1 ROAD SAFETY CAMERA COMMISSIONER BILL 2011

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Mr Pakula moved —

1. Clause 10, page 5, after line 25 insert—  
"(g) to investigate any matter in relation to the road safety camera system on the Commissioner's own motion;".
2. Clause 10, page 6, line 2, omit "(i)" and insert "(j)".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 10 — put and agreed to.

**Clauses 11 to 26** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 38, 39 and 40

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#### No. 38 — Tuesday, 11 October 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 22 September 2011, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

*Health Practitioner Regulation National Law (Victoria) Amendment Act 2011*

*Parliamentary Salaries and Superannuation Further Amendment Act 2011*

*Road Safety Camera Commissioner Act 2011*

*Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011*

*Transport Legislation Amendment (Public Transport Safety) Act 2011.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Mikakos presented a Petition bearing 67 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.  
Ordered to lie on the Table.

- 5 **PAPERS** —

**HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MIDWIFE INSURANCE EXEMPTION) REGULATION 2011** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2011.

Question — put and agreed to.

The regulation was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 11 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2010-11 report.

Ballarat General Cemeteries Trust — Minister's report of receipt of 2010-11 report.

Bendigo Cemeteries Trust — Minister's report of receipt of 2010-11 report.

Business and Innovation Department — Report, 2010-11.

- Crown Land (Reserves) Act 1978 —  
 Minister's Order of 28 August 2011 giving approval to the granting of a lease at Sandringham Beach Park Reserve.  
 Minister's Order of 26 September 2011 giving approval to the granting of a lease and licence at Torquay and Jan Juc Foreshore Reserve.  
 Minister's Order of 22 September 2011 giving approval to the granting of a lease at Geelong Botanical Gardens and Public Recreation Reserve.
- Essential Services Commission — Report on Review of VET Fees and Funding, September 2011.
- Health Purchasing Victoria — Minister's report of receipt of 2010-11 report.
- Medical Radiation Practitioners Board of Victoria — Minister's report of receipt of 2010-11 report.
- Melbourne and Olympic Parks Trust — Report, 2010-11.
- Melbourne Market Authority — Report, 2010-11.
- Mercy Public Hospitals Incorporated — Report, 2010-11.
- Nathalia District Hospital — Report, 2010-11.
- National Parks Act 1975 — Minister's consent of 14 September 2011 and notice of consent of 29 September 2011 to explore for gas in the Bay of Islands Coastal Park.
- Ombudsman — Report on the Investigation into the Office of Police Integrity's handling of a complaint, October 2011.
- Peninsula Health — Report, 2010-11.
- Peter MacCallum Cancer Centre — Report, 2010-11.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Ballarat Planning Scheme — Amendment C145.
  - Cardinia Planning Scheme — Amendment C160.
  - Greater Geelong Planning Scheme — Amendment C217.
  - Greater Shepparton Planning Scheme — Amendment C152.
  - Knox Planning Scheme — Amendment C99.
  - Maribyrnong Planning Scheme — Amendments C82 Part 1 and C120.
  - Mornington Peninsula Planning Scheme — Amendment C156.
  - Stonnington Planning Scheme — Amendment C134.
  - Victoria Planning Provisions — Amendment VC77.
  - Yarra Planning Scheme — Amendment C144.
- Police Appeals Board — Report, 2010-11.
- Regional Development Victoria — Report, 2010-11.
- Rochester and Elmore District Health Service — Report, 2010-11.
- Southern Metropolitan Cemeteries Trust — Report, 2010-11.
- South Gippsland Hospital — Report, 2010-11.
- South West Healthcare — Report, 2010-11.
- Statutory Rules under the following Acts of Parliament:
- Country Court Act 1958 — No. 107.
  - Courts (Case Transfer) Act 1991 — No. 101.
  - Education and Training Reform Act 2006 — No. 109.
  - Electricity Safety Act 1998 — No. 110.
  - Estate Agents Act 1980 — No. 100.
  - Local Government Act 1989 — No. 103.
  - Rail Safety Act 2006 — Nos. 104 and 113.
  - Subdivision Act 1988 — Nos. 111 and 112.
  - Tourist and Heritage Railways Act 2010 — No. 102.
  - Transport (Compliance and Miscellaneous) Act 1983 — Nos. 105 and 106.
- Stawell Regional Health — Report, 2010-11.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 93 to 96, 98, 100 to 107, 110 and 112.
- Swan Hill District Health — Report, 2010-11.
- Tourism Victoria — Report, 2010-11.

Treasury Corporation of Victoria — Report, 2010-11.  
 Tweddle Child and Family Health Service — Minister's report of receipt of 2010-11 report.  
 Upper Murray Health and Community Services — Report, 2010-11.  
 Victoria Grants Commission — Report, 2010-11.  
 Victoria Police — Report, 2010-11.  
 Victorian Commission for Gambling Regulation — Report, 2010-11.  
 Victorian Electoral Commission — Report, 2010-11.  
 Victorian Environmental Assessment Council Act 2001 — Minister's request for the Victorian Environmental Assessment Council to investigate existing Marine Protected Areas, pursuant to section 16(1)(a) of the Act.  
 Victorian Law Reform Commission — Report, 2010-11.  
 Victorian Privacy Commissioner's Office — Report, 2010-11.  
 West Gippsland Healthcare Group — Report, 2010-11.  
 West Wimmera Health Service — Report, 2010-11.  
 Wimmera Health Care Group — Report, 2010-11.  
 Yea and District Memorial Hospital — Report, 2010-11.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Road Safety Camera Commissioner Act 2011 — 12 October 2011 (Gazette No. S313, 4 September 2011).

Tourist and Heritage Railways Act 2010 — 1 October 2011 (Gazette No. S298, 22 September 2011).

Transport Legislation Amendment (Public Transport Safety) Act 2011 — 5 October 2011 (Gazette No. S313, 4 September 2011).

## 6 PRODUCTION OF DOCUMENTS —

**MYKI TICKETING SYSTEM** — The Clerk laid on the Table a letter from the Treasurer dated 7 September 2011 in response to the Resolution of the Council of 31 August 2011 seeking the production of documents commissioned by the Government on the myki ticketing system undertaken by Deloitte, advising that the Government will provide its response as soon as is practicable.

\* \* \* \* \*

## **MODELLING THE IMPACTS OF CARBON PRICING ON EMPLOYMENT IN VICTORIA** —

The Clerk laid on the Table a letter from the Premier dated 11 October 2011 in response to the Resolution of the Council of 14 September 2011 seeking the production of documents modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet and released to the *Herald Sun* in August 2011, advising that the Legislative Council does not have the power to require Members of the Legislative Assembly to produce documents to the Council.

The Clerk also laid on the Table the report by Deloitte titled 'Modelling the Clean Energy Future Policy' (September 2011) received in accordance with the Resolution of the Council of 14 September 2011:

On the Motion of Mr Barber, the letter from the Premier and the report were ordered to be taken into consideration on the next day of meeting.

## 7 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 12 October 2011:

- (1) Order of the Day No. 20 relating to the Victoria Planning Provision Amendment VC 82;
- (2) the Notice of Motion given this day by Mr Barber referring a matter to the Scrutiny of Acts and Regulations Committee;
- (3) the Notice of Motion given this day by Ms Pennicuik relating to the production of a document relating to a Freedom of Information request by *The Age* regarding Carl Williams;
- (4) the Notice of Motion given this day by Mr Scheffer relating to the decision to rezone land at Ventnor, Phillip Island;

- (5) the Notice of Motion given this day by Mr Tee referring the decision to rezone land at Ventnor, Phillip Island to the Environment and Planning References Committee;
- (6) the Notice of Motion given this day by Mr Viney to establish a Select Committee to inquire into the decision to rezone land at Ventnor, Phillip Island;
- (7) the Notice of motion given this day by Ms Pennicuik relating to the production of documents relating to the manual gates and railway crossing at New Street, Brighton;
- (8) Notice of Motion No. 173 standing in the name of Mr Somyurek relating to the Victorian manufacturing sector; and
- (9) the Notice of Motion given this day by Ms Mikakos relating to funding cuts to various youth programs.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**10 RESOURCES LEGISLATION AMENDMENT BILL 2011** — 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.

**11 SESSIONAL ORDERS** — Mr D.M. Davis moved, That, until the end of the Session, unless otherwise ordered by the Council —

**1. Interruption of Business**

That Standing Order 4.06 (1) be suspended and the following will apply:

- “(1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.05, the President will interrupt the business before the House at —
- (a) 10.00 p.m. on Tuesday, Wednesday and Thursday
  - (b) 4.00 p.m. on Friday
  - (c) 6.30 p.m. on Wednesday if there is notification that a Standing or Select Committee is meeting that day.”.

**2. Time Limits**

That the time limits specified in Standing Order 5.03 for the following business be suspended —

**Address in Reply**

**Government business**

**Motions of urgent public importance**

**Government Bills — second reading debate**

**Budget debate**

and that the following will apply:

**“Address in Reply (Standing Order 1.10)**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Government business (Standing Order 5.06)**

Total time	No limit
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Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Motions of urgent public importance (Standing Order 6.09)**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Government Bills — second reading debate**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Budget debate**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes”.

**3. Procedure when answers to questions on notice not provided**

That Standing Order 8.11 (1) (a) be suspended and the following will apply:

“(a) at the conclusion of the normal time for answering questions on notice, a non-Government Member on a Wednesday, and a Government Member on a Thursday, after that period, may ask the relevant Minister for an explanation; and”.

**4. Relationship to Standing Orders**

The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

Debate ensued.

Mr Lenders moved, as an amendment —

After proposed Sessional Order 4, insert:

“; and

that the proposed Sessional Orders be referred to the Procedure Committee for inquiry, consideration and report and that such Sessional Orders not take effect until such time as the Committee reports back to the House.”.

Debate ensued.

Ms Pennicuik moved, as amendments —

1. After proposed Sessional Order 1, insert:

‘2. That Standing Order 4.10(3) and (4) be suspended and the following will apply:

“(3) No individual Member may be called more than once each day.”.’.

2. Before proposed Sessional Order 2, insert:

‘2. That Standing Order 5.02(2) and (3) be suspended and the following will apply:

“(2) On Wednesday —

Messages

Formal Business

Members’ Statements (up to 15 Members)

General Business

**At 12 noon** Questions

Answers to Questions on Notice

General Business (continues)

**At 8.00 p.m.** Standing Committees (if meeting) OR General Business OR Government Business (if Standing Committees not meeting)

Adjournment (up to 20 Members)

(3) On Thursday —

Messages

Formal Business

Members' Statements (up to 15 Members)

Statements on reports and papers (60 minutes)

Government Business

**At 12 noon** Questions

Answers to Questions on Notice

Government Business (continues)

Adjournment (up to 20 Members)".'

3. In proposed Sessional Order 2 relating to time limits, omit all words and expressions after "and that the following will apply:".

Debate ensued.

Mr Leane moved, as amendments —

1. In proposed Sessional Order 1 relating to the interruption of business, omit paragraph (c).
2. Omit proposed Sessional Order 3 dealing with the procedure when answers to questions on notice are not provided.

Debate ensued.

Mr Viney moved, as an amendment —

That all the words after "That" be omitted with a view to inserting in their place "the proposed Sessional Orders moved by the Leader of the Government and the proposed amendments be referred to the Procedure Committee for inquiry, consideration and report and that such Sessional Orders not take effect until such time as the Committee reports back to the House."

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Donohue  
 Mr Ondarchie

Ms Tierney (*Teller*)  
Mr Viney

Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Question — That Amendment No. 1 moved by Mr Leane be agreed to — put and negated.

Question — That Amendment No. 1 moved by Ms Pennicuik be agreed to — put and negated.

Question — That Amendment No. 2 moved by Ms Pennicuik be agreed to — put and negated.

Question — That Amendment No. 3 moved by Ms Pennicuik be agreed to — put and negated.

Question — That Amendment No. 2 moved by Mr Leane be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos (*Teller*)  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier (*Teller*)  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Question — That, until the end of the Session, unless otherwise ordered by the Council —

### 1. Interruption of Business

That Standing Order 4.06 (1) be suspended and the following will apply:

- “(1) Unless a motion to adjourn has already been moved by a Minister pursuant to Standing Order 4.05, the President will interrupt the business before the House at —
- (a) 10.00 p.m. on Tuesday, Wednesday and Thursday
  - (b) 4.00 p.m. on Friday
  - (c) 6.30 p.m. on Wednesday if there is notification that a Standing or Select Committee is meeting that day.”.

### 2. Time Limits

That the time limits specified in Standing Order 5.03 for the following business be suspended —

**Address in Reply**

**Government business**

**Motions of urgent public importance**

**Government Bills — second reading debate****Budget debate**

and that the following will apply:

**“Address in Reply (Standing Order 1.10)**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Government business (Standing Order 5.06)**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Motions of urgent public importance (Standing Order 6.09)**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Government Bills — second reading debate**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes

**Budget debate**

Total time	No limit
Main Government Party lead speaker	60 minutes
Main Opposition Party lead speaker	60 minutes
Other Party lead Speaker	45 minutes
Remaining speakers	15 minutes”.

**3. Procedure when answers to questions on notice not provided**

That Standing Order 8.11 (1) (a) be suspended and the following will apply:

“(a) at the conclusion of the normal time for answering questions on notice, a non-Government Member on a Wednesday, and a Government Member on a Thursday, after that period, may ask the relevant Minister for an explanation; and”.

**4. Relationship to Standing Orders**

The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

— put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland

Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford ( <i>Teller</i> )
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee ( <i>Teller</i> )
Mrs Petrovich	Ms Tierney
Mrs Peulich ( <i>Teller</i> )	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

**12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — 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, 34

NOES, 3

Mr Atkinson	Mr Barber
Ms Broad	Ms Hartland ( <i>Teller</i> )
Mrs Coote	Ms Pennicuik ( <i>Teller</i> )
Ms Crozier	
Mr Dalla-Riva	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum	
Mr Eideh	
Mr Elasmarr	
Mr Elsbury	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Jennings	
Mr Koch	
Mr Leane ( <i>Teller</i> )	
Mr Lenders	
Ms Lovell	
Ms Mikakos	
Mr O'Donohue	
Mr Ondarchie ( <i>Teller</i> )	
Mr Pakula	
Mrs Petrovich	
Mrs Peulich	
Ms Pulford	
Mr Ramsay	
Mr Rich-Phillips	
Mr Scheffer	
Mr Somyurek	
Mr Tarlamis	
Mr Tee	
Ms Tierney	

Mr Viney

Question agreed to.

Bill read a second time.

Bill to be committed to a Committee of the whole on the next day of meeting.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

**13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.39 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 39 — Wednesday, 12 October 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Tierney presented a Petition bearing 9 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

\* \* \* \* \*

**SOUTH EAST COALITION AGAINST THE CARBON TAX** — Mrs Peulich presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject the Federal Government's Carbon Dioxide Tax and urge them to take other practical measures to improve environmental outcomes.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**GREEN WEDGES DEVELOPMENT** — Mr Tee presented a Petition bearing 819 signatures from certain citizens of Victoria requesting that the Government stop the current review seeking to turn green wedge land into commercial and housing developments, agree to strengthen and grow green wedge space, and work with the community to enhance and improve Melbourne's green wedges.

Ordered to lie on the Table.

On the motion of Mr Tee, 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 Reports on —

Maternity Services: Capacity, October 2011.

Supporting Changes in Farming Practices: Sustainable Irrigation, October 2011.

Austin Health — Report, 2010-11.

Barwon Health — Report, 2010-11.

Beaufort and Skipton Health Service — Report, 2010-11.

Beechworth Health Service — Report, 2010-11.

Calvary Health Care Bethlehem Ltd — Report, 2010-11.

Castlemaine Health — Report, 2010-11.

Cohuna District Hospital — Report, 2010-11.

Colac Area Health — Report, 2010-11.  
 Country Fire Authority — Report, 2010-11.  
 Echuca Regional Health — Report, 2010-11.  
 Film Victoria — Report, 2010-11.  
 Fire Services Commissioner — Report, 2010-11.  
 Geelong Cemeteries Trust — Report, 2010-11.  
 Goulburn Valley Health — Report, 2010-11.  
 Heathcote Health — Report, 2010-11.  
 Kilmore and District Hospital — Report, 2010-11.  
 Kyabram and District Health Service — Report, 2010-11.  
 Latrobe Regional Hospital — Report, 2010-11.  
 Legal Practitioners' Liability Committee — Report, 2010-11.  
 Melbourne Health — Report, 2010-11.  
 Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2011 and Summary of Variations notified between 29 June 2011 and 7 October 2011.  
 Sentencing Advisory Council — Report, 2010-11.  
 St Vincent's Hospital (Melbourne) Limited — Report, 2010-11.  
 Subordinate Legislation Act 1984 — Documents under section 15 in respect of Statutory Rule No. 113.  
 Surveyors Registration Board of Victoria — Minister's report of receipt of 2010-11 report.  
 Terrorism (Community Protection) Act 2003 — Reports under sections 13 and 13ZR of the Act, 2010-11.  
 Victims of Crime Assistance Tribunal — Report, 2010-11.  
 Victoria State Emergency Service Authority — Report, 2010-11.  
 Victorian Environmental Assessment Council — Report, 2010-11.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 VICTORIA PLANNING PROVISIONS AMENDMENT VC82** — Debate resumed on the question, That Amendment VC82 to the Victoria Planning Provisions be revoked.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 7 VICTORIA PLANNING PROVISIONS AMENDMENT VC82** — Debate continued on the question, That Amendment VC82 to the Victoria Planning Provisions be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )

Mr Viney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negated.

- 8 MYKI MANUAL — REFERRAL TO SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Barber moved, That this House requires the Scrutiny of Acts and Regulations Committee to inquire into, consider and report no later than 15 March 2012 on the Victorian Fares and Ticketing Manual (myki) created by the Director of Public Transport under section 22OD(1) of the *Transport (Compliance and Miscellaneous) Act 1983* as to whether it contravenes any of the principles of section 21 of the *Subordinate Legislation Act 1994*.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr O'Donohue —*

- 9 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 10 MYKI MANUAL — REFERRAL TO SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Debate continued on the question, That this House requires the Scrutiny of Acts and Regulations Committee to inquire into, consider and report no later than 15 March 2012 on the Victorian Fares and Ticketing Manual (myki) created by the Director of Public Transport under section 22OD(1) of the *Transport (Compliance and Miscellaneous) Act 1983* as to whether it contravenes any of the principles of section 21 of the *Subordinate Legislation Act 1994*.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 11 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.59 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 40 — Thursday, 13 October 2011

- 1 The President took the Chair and read the Prayer.

**2 PAPERS —**

**COUNTY COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the County Court of Victoria for the year 2009-10.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2010-11.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

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

Ballarat Health Services — Report, 2010-11.

Budget Sector — Financial Report, 2010-11, incorporating Quarterly Financial Report No. 4 for the period ended 30 June 2011.

CenITex — Report, 2010-11.

Central Gippsland Health Service — Report, 2010-11.

Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2010-11 report.

Coronial Council of Victoria — Report, 2010-11.

Crown Land (Reserves) Act 1978 —

Minister's Order of 6 October 2011 giving approval to the granting of a lease at Torquay and Jan Juc Foreshore Reserve.

Minister's Order of 10 October 2011 giving approval to the granting of a lease at Torquay and Jan Juc Foreshore Reserve.

Dental Health Services Victoria — Report, 2010-11.

East Grampians Health Service — Report, 2010-11.

Eastern Health — Report, 2010-11.

Forensic Leave Panel — Report, 2010.

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to the Invitation to apply stage for the grant of the Monitoring Licence, October 2011.

Maldon Hospital — Minister's report of receipt of 2010-11 report.

Mildura Cemetery Trust — Minister's report of receipt of 2010-11 report.

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

Ballarat Planning Scheme — Amendment C119.

Campaspe Planning Scheme — Amendment C90.

Greater Geelong Planning Scheme — Amendments C164, C184 and C241.

Greater Shepparton Planning Scheme — Amendments C116 and C157.

Moira Planning Scheme — Amendment C68.

Portland District Health — Report, 2010-11.

Seymour District Memorial Hospital — Report, 2010-11.

Southern Health — Report, 2010-11.

Special Investigations Monitor's Office — Report pursuant to section 126 of the Police Integrity Act 2008, section 105L of the Whistleblowers Protection Act 2001 and section 61 of the Major Crime (Investigative Powers) Act 2004, 2010-11.

Surveillance Devices Act 1999 — Primary Industries Department Report under section 30L of the Act, 2010-11.

Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2010-11 report.

Victorian Health Promotion Foundation — Report, 2010-11.

Victorian Institute of Forensic Medicine — Report, 2010-11.

Victorian Pharmacy Authority — Minister's report of receipt of 2010-11 report.

Western Health — Report, 2010-11.

**3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 25 October 2011.

Question — put and agreed to.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business Nos. 22, 24, 105 to 114, 134, 139, 142, 144, 146, 147 and 175, be postponed until later this day.

**6 CHILDREN'S SERVICES AMENDMENT BILL 2011** — Ms Lovell pursuant to notice, introduced *A Bill for an Act to amend the Children's Services Act 1996, the Education and Care Services National Law Act 2010, to make consequential amendments to other Acts and for other purposes.*

On the motion of Ms Lovell, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Lovell laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 and 207, be postponed until later this day.

- 8 COMMERCIAL ARBITRATION BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 9 ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders* —

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**REGISTER OF MEMBERS INTERESTS DECLARATION** — Mr D.M. Davis having given answers to questions and supplementary questions without notice relating to his declaration in the Members of Parliament Register of Interests —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

- 11 ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011** — Debate continued on the question, That the Bill be now read a second time.

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.

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011** — 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.

- 13 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** —

The President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Commission for Gambling and Liquor Regulation, to amend the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

- 14 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Ms Lovell), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Ms Mikakos, the debate was adjourned for one week.
- 15 CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 and the Domestic Animals Act 1994 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders, the debate was adjourned for one week.
- 16 ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998, the Victorian Energy Efficiency Target Act 2007, the Electricity Industry Act 2000, the Gas Safety Act 1997 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.
- 17 EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Extractive Industries (Lysterfield) Act 1986 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders, the debate was adjourned for one week.
- 18 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Gambling Regulation Further Amendment Act 2009, the Gambling Regulation Amendment (Licensing) Act 2009 and the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

- 19 EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Country Fire Authority Act 1958, the Emergency Management Act 1986, the Fire Services Commissioner Act 2010 and the Victoria State Emergency Service Act 2005, to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

- 20 BUSINESS OF THE HOUSE** — Mr D.M. Davis moved, That —

- (1) Standing Orders 4.01(1) and 5.02(2) be suspended to enable the Council to meet on Wednesday, 26 October 2011 at 7.00 p.m. and the order of business on that day will be —

Standing Committees (if meeting)

At 7.00 p.m.

Messages

Formal Business

Questions

Answers to Questions on Notice

Members' Statements

General Business

At 11.00 p.m.

Adjournment (up to 20 Members); and

- (2) Standing Order 4.06 (1) be suspended to the extent necessary to enable the President to interrupt business at 11.00 p.m. that day.

Debate ensued.

Mr Leane moved, as an amendment, That, after sub-section (2) insert:

- “(3) Standing Order 5.02(3) be suspended and that on Thursday, 27 October 2011 the order of business will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business (for 3 hours)

**At 12 noon** Questions

Answers to Questions on Notice

Government Business

Adjournment (up to 20 Members).”.

Debate ensued.

Question — That the amendment moved by Mr Leane be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

NOES, 20

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Mr Elasmarr ( <i>Teller</i> )	Ms Crozier
Mr Jennings	Mr Dalla-Riva
Ms Hartland	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Ms Mikakos	Mr Elsbury ( <i>Teller</i> )
Mr Pakula	Mr Finn ( <i>Teller</i> )
Ms Pennicuik	Mr Guy
Ms Pulford	Mr Hall
Mr Scheffer	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tarlamis	Ms Lovell
Mr Tee	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question, That —

- (1) Standing Orders 4.01(1) and 5.02(2) be suspended to enable the Council to meet on Wednesday, 26 October 2011 at 7.00 p.m. and the order of business on that day will be —

Standing Committees (if meeting)

At 7.00 p.m.

Messages

Formal Business

Questions

Answers to Questions on Notice

Members' Statements

General Business

At 11.00 p.m.

Adjournment (up to 20 Members); and

- (2) Standing Order 4.06 (1) be suspended to the extent necessary to enable the President to interrupt business at 11.00 p.m. that day.

— put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 17

Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Elasmarr
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Ms Hartland
Mr P.R. Davis	Mr Leane
Mr Drum	Mr Lenders
Mr Elsbury	Ms Mikakos
Mr Finn	Mr Pakula
Mr Guy	Ms Pennicuik ( <i>Teller</i> )
Mr Hall	Ms Pulford
Mr Koch	Mr Scheffer
Mrs Kronberg	Mr Somyurek
Ms Lovell	Mr Tarlamis
Mr O'Donohue	Mr Tee ( <i>Teller</i> )
Mr Ondarchie	Ms Tierney
Mrs Petrovich ( <i>Teller</i> )	Mr Viney
Mrs Peulich ( <i>Teller</i> )	
Mr Ramsay	

Mr Rich-Phillips

Question agreed to.

**21 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.43 p.m., adjourned until Tuesday, 25 October 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# **COMMITTEE OF THE WHOLE COUNCIL**

## **Supplement to Minutes Nos. 38, 39 and 40**

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**Thursday, 13 October 2011**

**1 ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011**

**Clauses 1 to 14** — put and agreed to.

**Bill reported without amendment.**

**2 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011**

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 41, 42 and 43

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#### No. 41 — Tuesday, 25 October 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 18 October 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Commercial Arbitration Act 2011*
  - Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Act 2011*
  - Electronic Transactions (Victoria) Amendment Act 2011*
  - Resources Legislation Amendment Act 2011.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — Mr Guy, by leave without notice, introduced *A Bill for an Act to adopt the Business Names Registration Act 2011 of the Commonwealth and the Business Names Registration (Transitional and Consequential Provisions) Act 2011 of the Commonwealth and to refer certain matters relating to the registration and use of business names to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, to repeal the Business Names Act 1962 and to provide for related transitional and consequential matters.*

On the motion of Mr Guy, the Bill was read a first time.  
Bill to be read a second time on the next day of meeting.
- 5 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — Mr Dalla-Riva, by leave without notice, introduced *A Bill for an Act to provide for the registration of the Leo Cussen Institute as a company limited by guarantee under the Corporations Act and to repeal the Leo Cussen Institute Act 1972 and for other purposes.*

On the motion of Mr Dalla-Riva, the Bill was read a first time.  
Bill to be read a second time on the next day of meeting.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr O'Donohue presented Alert Digest No. 12 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2010-11.

Corangamite Catchment Management Authority — Report, 2010-11.

Crown Land (Reserves) Act 1978 —

Minister's Order of 26 September 2011 giving approval to the granting of a licence at Kings Domain Reserve and Alexandra Park.

Minister's Order of 12 October 2011 giving approval to the granting of a lease at Lynch's Bridge Historic Precinct Reserve.

Minister's Order of 14 October 2011 giving approval to the granting of a licence at Bells Beach Surfing and Recreation Reserve.

Minister's Order of 18 October 2011 giving approval to the granting of a lease at Kardinia Park Reserve.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2010-11.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2010-11.

East Gippsland Catchment Management Authority — Report, 2010-11.

Environment Protection Authority — Report, 2010-11.

Glenelg-Hopkins Catchment Management Authority — Report, 2010-11.

Goulburn Broken Catchment Management Authority — Report, 2010-11.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 110.

Judicial College of Victoria — Report, 2010-11.

Mallee Catchment Management Authority — Report, 2010-11.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2011.

Metropolitan Waste Management Group — Report, 2010-11.

North Central Catchment Management Authority — Report, 2010-11.

North East Catchment Management Authority — Report, 2010-11.

Ombudsman — Report on the Investigation regarding the Department of Human Services Child Protection program (Loddon Mallee Region), October 2011.

Parks Victoria — Report, 2010-11.

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

Ballarat Planning Scheme — Amendment C128.

Greater Geelong Planning Scheme — Amendment C190.

Kingston Planning Scheme — Amendment C122.

Macedon Ranges Planning Scheme — Amendment C69 Part 2.

Melton Planning Scheme — Amendment C115.

Murrindindi Planning Scheme — Amendment C38.

Nillumbik Planning Scheme — Amendment C75.

Pyrenees Planning Scheme — Amendment C29.

Port Phillip and Westernport Catchment Management Authority — Report, 2010-11.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 111 and 114.

Victorian Coastal Council — Report, 2010-11.

West Gippsland Catchment Management Authority — Report, 2010-11.

Wimmera Catchment Management Authority — Report, 2010-11.

**7 PRODUCTION OF DOCUMENTS — MYKI TICKETING SYSTEM** — The Clerk laid on the Table a letter from the Treasurer dated 11 October 2011 in response to the Resolution of the Council of 31 August 2011 seeking the production of documents commissioned by the Government on the myki ticketing system undertaken by Deloitte advising that —

- the report sought by the Council's order was prepared for the purpose of submission for consideration by a committee of Cabinet and as such, the Council does not have the power to require the production of this document; and
- the Government has carefully considered this matter and determined that it is not appropriate to provide the report to the Council.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 26 October 2011:

- (1) Notice of Motion No. 213 standing in the name of Mr Pakula relating to Mr D.M. Davis' declaration under the *Members of Parliament (Register of Interests) Act 1978* and referring an inquiry on the declaration provisions under the Act to the Privileges Committee;
- (2) Notice of Motion No. 198 standing in the name of Ms Pennicuik relating to marriage equality;
- (3) Notice of Motion No. 195 standing in the name of Ms Mikakos relating to funding cuts to various youth programs;
- (4) Notice of Motion No. 197 standing in the name of Ms Pennicuik relating to the production of documents relating to the manual gates and railway crossing at New Street, Brighton;
- (5) Notice of Motion No. 115 standing in the name of Mr Jennings relating to the Swan Hill hospital redevelopment funding; and
- (6) Notice of Motion No. 121 standing in the name of Ms Pulford relating to jobs growth in regional Victoria.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**11 CRIMES AND DOMESTIC ANIMALS ACTS AMENDMENT (OFFENCES AND PENALTIES) BILL 2011** — 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.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

**13 EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2011** — 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.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

**15 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011** — 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 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 EXTRACTIVE INDUSTRIES (LYSTERFIELD) AMENDMENT BILL 2011** — 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.

**17 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Pakula.*

**18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.30 p.m., adjourned until tomorrow at 7.00 p.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 42 — Wednesday, 26 October 2011

1 The President took the Chair and read the Prayer.

2 **PETITION — LABURNUM STATION TRAIN TIMETABLE** — Mr Leane presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Government reintroduce express train services that stop at Laburnum train station.

Ordered to lie on the Table.

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 Reports on —

Procurement Practices in the Health Sector, October 2011.

TAFE Governance, October 2011.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2010-11 report.

Melbourne Convention and Exhibition Trust — Report, 2010-11.

National Parks Act 1975 — Report on the working of the Act, 2010-11.

Professional Standards Council — Report, 2010-11.

Public Prosecutions Office — Report, 2010-11.

Royal Botanic Gardens Board — Report, 2010-11.

Statutory Rule under the following Act of Parliament:

Transport (Compliance and Miscellaneous) Act 1983 — No. 114.

Trust for Nature (Victoria) — Report, 2010-11.

VicFleet Pty Ltd — Minister's report of receipt of 2010-11 report.

**4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) ACT 1978 — REFERRAL TO PRIVILEGES COMMITTEE** — Mr Pakula moved, That this House —

(1) Notes —

(a) the Code of Conduct for Members in Part 1, section 3 of the *Members of Parliament (Register of Interests) Act 1978*;

(b) the Leader of the Government, Mr David Davis' most recent declaration, as required under this Act, stating that "as a Parliamentary member of the Liberal Party, I received campaign assistance, political and legal support from the Victorian Division of the Liberal Party of Australia, its members and supporters"; and

(c) the Leader of the Government's answer to a question without notice given in this House on 12 October 2011.

(2) Requires the Privileges Committee to conduct an inquiry into the *Members of Parliament (Register of Interests) Act 1978* to —

(a) establish —

(i) whether or not it is sufficient for Members of Parliament to now simply declare a substantial interest or a donation or gift to them in excess of \$500 from supporters of their political party, without indicating who (or what organisation) made the donation or gift;

(ii) the effect of such a change on the value and relevance of the Register of Members interests;

(iii) whether such a change would affect public confidence in the Parliament of Victoria;

(iv) what effect such a change would have on the requirement in the Act contained in section 3(e) for Members who are Ministers; and

(b) make recommendations on any aspect of the Act that should be strengthened or changed to —

(i) ensure that Members of Parliament are clear as to what is expected of them in making declarations; and

(ii) maintain public confidence in the integrity of the Register of Interests and, more broadly, public confidence in the Parliament of Victoria.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh (*Teller*)  
Mr Elasmr  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 198 and 195, be postponed until later this day.

**8 PRODUCTION OF DOCUMENTS — NEW STREET, BRIGHTON RAILWAY CROSSING** — Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Legislative Council by 2.00 p.m. on Tuesday, 8 November 2011, any safety assessments, advice received, reports or related documents held by the Department of Transport or the Transport Safety Regulator, including any received since November 2010, regarding the manual gates and railway crossing at New Street, Brighton.

Debate ensued.

Question — put and agreed to.

**9 YOUNG VICTORIAN ASSISTANCE PROGRAMS** — Ms Mikakos moved, That this House —

- (1) expresses concern at the failure of the Baillieu Government to support successful programs assisting Victoria's young people;
- (2) notes that the Baillieu Government has cut funding to a number of programs that assist young people including —
  - (a) the apprenticeship completion bonus, which subsidised employers taking on more apprentices and helping to see them through their training;
  - (b) FReeZA Central;
  - (c) the Mentoring and Capacity Building Initiative, which relates to youth mentoring; and
  - (d) the Victorian Certificate of Applied Learning (VCAL); and
- (3) calls on the Baillieu Government to provide more assistance to support young Victorians.

Debate ensued.

*Business having been interrupted at 11.00 p.m. pursuant to the order of the Council on 13 October 2011, the debate stood adjourned in the name of Mr Drum —*

**10 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 11.24 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 43 — Thursday, 27 October 2011

**1** The President took the Chair and read the Prayer.

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

Australian Grand Prix Corporation — Report, 2010-11.

Barwon Regional Waste Management Group — Minister's report of receipt of 2010-11 report.

Calder Regional Waste Management Group — Minister's report of receipt of 2010-11 report.

- Central Murray Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Commissioner for Law Enforcement Data Security — Report, 2010-11.
- Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Docklands Studios Melbourne Pty Ltd — Report, 2010-11.
- Gippsland Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Health Department — Report, 2010-11.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- National Parks Advisory Council — Report, 2010-11.
- North East Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Office of Police Integrity — Crossing the Line: Report of an investigation into the conduct of a member of Victoria Police undertaking secondary employment as a Ministerial Adviser and his relationship with a Deputy Commissioner of Victoria Police, October 2011.
- Ombudsman — Report on the Investigation into how universities deal with international students, October 2011.
- Phillip Island Nature Parks — Report, 2010-11.
- South Western Regional Waste Management Group — Minister's report of receipt of 2010-11 report.
- Sustainability Victoria — Report, 2010-11.
- Terrorism (Community Protection) Act 2003 —  
 Report pursuant to section 21M of the Act, 2009-10.  
 Report pursuant to section 21M of the Act, 2010-11.
- Treasury and Finance Department — Report, 2010-11.
- Victorian Catchment Management Council — Report, 2010-11.
- Victorian Funds Management Corporation — Report, 2010-11.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 8 November 2011.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 6 BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for two weeks.

- 7 LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for two weeks.

- 8 CHILDREN'S SERVICES AMENDMENT BILL 2011** — 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 transmitted to the Assembly with a Message requesting their agreement.

- 9 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011** — 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.

- 12 ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS) BILL 2011** — 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 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.

- 13 GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Pakula 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.

- 14 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Responsible Gambling Foundation, to amend the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**15 WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Industry Act 1994 to apply certain provisions of the Water Charge (Infrastructure) Rules 2010 of the Commonwealth as a law of Victoria to enable the Essential Services Commission to approve or determine charges for the provision of certain water services in the State and to make related and consequential amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Lenders), the debate was adjourned for one week.

**16 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010 to establish the Public Transport Development Authority, to make related and consequential amendments to that Act, the Transport (Compliance and Miscellaneous) Act 1983 and certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**17 SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 to make further provision as to sentencing orders and other matters, to amend the Sentencing Amendment Act 2010, to amend and make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**18 ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011**

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the National Electricity (Victoria) Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Orders.

And then the Council, at 6.45 p.m., adjourned until Tuesday, 8 November 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 41, 42 and 43

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**Tuesday, 25 October 2011**

**1 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY OF YOUTH JUSTICE FACILITIES) BILL 2011**

**Clauses 1 to 13** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 27 October 2011**

**1 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011**

**Clauses 1 to 20** — put and agreed to.

**Clause 21** — Ms Hartland moved —

Clause 21, lines 31 to 33, omit subclause (3) and insert—

- "( ) If a commissioner has disclosed an interest to the Chairperson in accordance with subsection (1), the Chairperson must, as soon as practicable, cause a written statement specifying the nature of the interest, to be published on the Internet site of the Commission.
- ( ) If the Chairperson has disclosed an interest to the Minister in accordance with subsection (2), the Chairperson must, as soon as practicable, cause a written statement specifying the nature of the interest, to be published on the Internet site of the Commission.
- ( ) The Commission must make guidelines for the purposes of this section specifying—
  - (a) the types of interests that a commissioner must disclose; and
  - (b) how a written statement under subsection (3) or (4) should be published, including the specification of circumstances where it may be appropriate to excise parts of a written statement, having regard to—
    - (i) the nature of the interest being disclosed; and
    - (ii) whether publication of the written statement in full would compromise confidential or commercially sensitive information or the privacy of an individual; and
    - (iii) the public interest."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Mr Jennings (*Teller*)  
Ms Hartland (*Teller*)  
Mr Leane  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Koch  
Ms Lovell (*Teller*)  
Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 21 — put and agreed to.

**Clauses 22 to 104** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

**2 ENERGY LEGISLATION AMENDMENT (BUSHFIRE MITIGATION AND OTHER MATTERS)  
BILL 2011**

**Clauses 1 to 33** — put and agreed to.

**Clause 34** — Question — That Clause 34 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch (*Teller*)  
Mr Leane (*Teller*)  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 35 to 43** — put and agreed to.

**Bill reported without amendment.**

### 3 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2011**

**Clauses 1 to 31** — put and agreed to.

**Clause 32** — Mr Pakula moved —

1. Clause 32, page 34, line 2, omit "**Minister or**".
2. Clause 32, page 34, lines 4 and 5 omit ", insult or intimidate the Minister or" and insert "or intimidate".
3. Clause 32, page 34, line 6, omit "Minister or".

*The Deputy President having ruled that Amendment No. 2 was a test of Amendments Nos. 1 and 3 —*

Question — That amendment No. 2 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 32 — put and agreed to.

**Clauses 33 to 75** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 44, 45 and 46

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#### No. 44 — Tuesday, 8 November 2011

- 1 The President took the Chair and read the Prayer.
- 2 **NATURAL DISASTERS IN TURKEY AND THAILAND** — Mr D.M. Davis moved, by leave, That we, the Legislative Council of Victoria —
  - (1) note with sadness the recent natural disasters that have affected the people of Turkey and Thailand;
  - (2) offer our deepest and sincere condolences to the Government and people of Turkey following the major earthquake in the Province of Van on 23 October 2011;
  - (3) offer our deepest and sincere condolences to the Government and people of Thailand following the devastating floods that are occurring in that country;
  - (4) recognise the significant Turkish and Thai communities in Victoria, and the strong family and cultural bonds that exist;
  - (5) join with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Turkey and Thailand from these natural disasters; and
  - (6) request that the President convey messages of condolence from this House to —
    - (a) the Grand National Assembly and the Government of the Republic of Turkey; and
    - (b) the National Assembly of Thailand and the Royal Thai Government.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 2 November 2011 —
    - Children, Youth and Families Amendment (Security of Youth Justice Facilities) Act 2011*
    - Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Act 2011*
    - Emergency Management Legislation Amendment Act 2011*
    - Extractive Industries (Lysterfield) Amendment Act 2011*
    - Victorian Commission for Gambling and Liquor Regulation Act 2011.*
  - On 8 November 2011 —
    - Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011*
    - Gambling Regulation Amendment (Licensing) Act 2011.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**5 PAPERS —**

**LANGUAGES EDUCATION** — Mr Hall moved, by leave, That there be laid before this House a copy of the Victorian Government's Vision for Languages Education Report, 2011.

Question — put and agreed to.

The Report was presented by Mr Hall and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 13 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Architects Registration Board of Victoria — Minister's report of failure to submit 2010-11 report to the Minister within the prescribed period and the reasons therefor.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 October 2011 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Emergency Services Telecommunications Authority — Report, 2010-11.

TAFE Development Centre — Minister's report of receipt of 2010-11 report.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2010-11.

Major Sporting Events Act 2009 — Major sporting event order of 11 October 2011 in relation to the Presidents Cup 2011.

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

Bayside Planning Scheme — Amendments C57 and C92.

Baw Baw Planning Scheme — Amendment C80.

East Gippsland Planning Scheme — Amendment C81.

Greater Geelong Planning Scheme — Amendments C188 and C189.

Moonee Valley Planning Scheme — Amendment C114.

Mount Alexander Planning Scheme — Amendment C57.

Wellington Planning Scheme — Amendment C68 Part 2.

State Electricity Commission of Victoria — Minister's report of failure to submit 2010-11 report to the Minister within the prescribed period and the reasons therefor.

Statutory Rules under the following Acts of Parliament:

Coroners Act 2008 — No. 117.

Subordinate Legislation Act 1994 — No. 116.

Supreme Court Act 1986 — Nos. 118 and 119.

Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 120.

Transport Accident Act 1986 — No. 115.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 109 and 117 to 120.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011 — 25 October 2011 (*Gazette No. S342, 25 October 2011*).

**6 PRODUCTION OF DOCUMENTS — NEW STREET, BRIGHTON RAILWAY CROSSING —**

The Clerk laid on the Table a letter from the Minister for Public Transport in response to the Resolution of the Council of 26 October 2011 seeking the production of documents relating to any safety assessments, advice received, reports or related documents held by the Department of Transport or the Transport Safety Regulator, including any received since November 2010, regarding the manual gates and railway crossing at New Street, Brighton —

- advising that the Government is presently taking steps to respond to the order; and
- indicating that the Government will endeavour to respond to the order as soon as possible.

On the motion of Ms Pennicuik, the letter was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 9 November 2011:

- (1) the Notice of Motion given this day by Mr Jennings relating to the plans of the Minister for Health relating to nurses;
- (2) Notice of Motion No. 176 standing in the name of Ms Hartland referring a matter to the Law Reform Committee;
- (3) the Notice of Motion given this day by Mr Pakula relating to the Office of Police Integrity's report tabled in the House on Thursday, 27 October 2011; and
- (4) Order of the Day No. 21, regarding the Treasurer's letter concerning the Myki ticketing system documents.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**10 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011** — 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 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.

**11 WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011** — 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.

**12 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Pakula 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.

**13 SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr Dalla-Riva moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane ( <i>Teller</i> )
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos ( <i>Teller</i> )
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie ( <i>Teller</i> )	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Sentencing Amendment (Community Correction Reform) Bill 2011 be referred to the Standing Committee on Legal and Social Issues Legislation Committee for inquiry, consideration and report by 8 December 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik ( <i>Teller</i> )	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich

Mr Viney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Bill to be committed on the next day of meeting.

**14 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.06 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 45 — Wednesday, 9 November 2011

**1** The President took the Chair and read the Prayer.

**2 PETITION — FOOTSCRAY CITY PRIMARY SCHOOL** — Mr Finn presented a Petition bearing 557 signatures from certain citizens of Victoria requesting that the Legislative Council take all steps to ensure that Footscray City Primary School continues as a dual stream school, offering both Mainstream and Steiner curricula, in 2012 and beyond.

Ordered to lie on the Table.

**3 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — TERMINATION OF THE INDEPENDENT FINANCIAL AUDITOR OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Termination of the Independent Financial Auditor of the Victorian Auditor-General's Office Appointed by Parliament Under Section 17 of the *Audit Act 1994* (including Appendices).

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Annual Financial Report of the State of Victoria, 2010-11, November 2011.

Public Hospitals: Results of the 2010-11 Audits, November 2011.

Water Entities: Results of the 2010-11 Audits, November 2011.

Special Investigations Monitor's Office — Report for the period 1 January to 30 June 2011, pursuant to section 30Q of the Surveillance Devices Act 1999.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 NURSES NUMBERS** — Mr Jennings moved, That this House condemns the Minister for Health for his secret plan to —

(1) cut nurses numbers;

(2) replace nurses with low skilled nurse assistants; and

(3) reduce nurse to patient ratios;

and for his pre-meditated plan to force nurses into arbitration by failing to negotiate in good faith.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**GROWTH CORRIDOR STRATEGY** — Mr Guy having given answers to a question and a supplementary question without notice relating to the Growth Corridor Strategy —

On the motion of Mr Tee, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 7 NURSES NUMBERS** — Debate continued on the question, That this House condemns the Minister for Health for his secret plan to —

- (1) cut nurses numbers;
- (2) replace nurses with low skilled nurse assistants; and
- (3) reduce nurse to patient ratios;

and for his pre-meditated plan to force nurses into arbitration by failing to negotiate in good faith.

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

- 8 LAW REFORM COMMITTEE REFERENCE — COMPENSATION SCHEME FOR ABUSE, NEGLECT OR LACK OF CARE IN OUT-OF-HOME CARE** — Ms Hartland moved, That this House requires the Law Reform Committee to inquire into, consider and report within 12 months of the passing of this resolution on the benefits of establishing a compensation scheme for adults who suffered abuse, neglect or a lack of care in out-of-home care, as an alternative to the current situation where victims can only make claims for damages, which can be an expensive, risky and drawn out process.

Debate ensued.

Question — put and negatived.

- 9 OFFICE OF POLICE INTEGRITY REPORT** — Mr Pakula moved, That this House notes the damning Office of Police Integrity (OPI) Report, tabled in the House on Thursday, 27 October 2011, on the actions of the Premier, Deputy Premier, other senior Coalition Ministers, the former Parliamentary Secretary for Police and Emergency Services and key advisers in their offices, including —

- (1) the discrepancy between the evidence given to the OPI by the Deputy Premier and the Member for Benambra; and
- (2) the claim by the Deputy Premier that he was “dumbfounded” to learn that his adviser, Mr Weston, was behind a campaign against the Chief Commissioner of Police when that fact should have been immediately apparent to any Minister properly carrying out his or her responsibilities.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Viney —*

- 10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 11 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.10 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 46 — Thursday, 10 November 2011

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2011.
  - Statutory Rules under the following Acts of Parliament:
    - Drugs, Poisons and Controlled Substances Act 1981 — No. 122.
    - Gambling Regulation Act 2003 — No. 121.
    - Magistrates' Court Act 1989 — Nos. 123 and 124.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 123 and 124.
  - Victoria Police — Chief Commissioner —
    - Report under section 30L of the Surveillance Devices Act 1999, 2010-11.
    - Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2010-11.
- 3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 22 November 2011.  
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **FINANCIAL AUDIT OF AUDITOR-GENERAL'S OFFICE — TERMINATION** — The President read a Message from the Legislative Assembly informing the Council that the Assembly had agreed to a resolution terminating the services of Mr Peter Saxon.  
On the motion, by leave, of Mr D.M. Davis the Message was ordered to be taken into consideration forthwith.  
Mr D.M. Davis moved, by leave, That the Council concurs with the Assembly and resolves, That pursuant to section 17 of the *Audit Act 1994* and in accordance with the Agreement between the Parliament and Mr Peter Sexton:
  - (1) The Council agrees to terminate the services of Mr Peter Sexton;
  - (2) The termination be effected by notice in writing being given to Mr Sexton by the Presiding Officers of the Legislative Council and the Legislative Assembly.  
Question — put and agreed to.  
Message sent to the Assembly acquainting them that the Council have concurred with the Assembly's Resolution.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 7 **BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011** — 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 transmitted to the Assembly with a Message requesting their agreement.
- 8 **LEO CUSSEN INSTITUTE (REGISTRATION AS A COMPANY) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
*And the President having ruled the Bill to be a Private Bill* —  
On the motion of Mr D.M. Davis, this Bill was ordered to be dealt with as a Public Bill.  
Debate resumed.  
Question — put and agreed to.  
Bill read a second time and, by leave, read a third time and passed.  
Bill transmitted to the Assembly with a Message requesting their agreement.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**10 ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Lovell having given an answer to a question without notice and a supplementary question without notice relating to the Take a Break Occasional Child Care Program —

On the motion of Ms Mikakos, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**12 ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich ( <i>Teller</i> )	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

Mr Hall 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, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmar

Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee ( <i>Teller</i> )
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

**13 SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011** — 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.

**14 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to establish the Independent Broad-based Anti-corruption Commission, to amend the Parliamentary Committees Act 2003 and certain other Acts, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**15 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004 and the Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

- 16 LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Liquor Control Reform Act 1998 to introduce a demerit points system for licensees and permittees involved in non-compliance incidents, to introduce a licence for wine and beer producers, to recognise the importance of live music and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Ms Pulford, the debate was adjourned for one week.
- 17 MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Mines (Aluminium Agreement) Act 1961 to provide for amendments to the agreement in the Schedule to that Act, to repeal the Mines (Aluminium Agreement) (Brown Coal Royalties) Act 2005 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders, the debate was adjourned for one week.
- 18 PUBLIC INTEREST MONITOR BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to establish a Principal Public Interest Monitor and Deputy Public Interest Monitors and to confer functions on those Public Interest Monitors under the Act and under the Major Crime (Investigative Powers) Act 2004, the Surveillance Devices Act 1999, the Telecommunications (Interception) (State Provisions) Act 1988 and the Terrorism (Community Protection) Act 2003, to amend other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Pakula, the debate was adjourned for one week.
- 19 SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Sex Work Act 1994, the Confiscation Act 1997 and the Confiscation Amendment Act 2010 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned for one week.

**20 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Payroll Tax Act 2007, the Duties Act 2000, the Land Tax Act 2005, the Taxation Administration Act 1997, the Livestock Disease Control Act 1994 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**21 VICTORIAN INSPECTORATE BILL 2011** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Inspectorate to provide oversight of the Independent Broad-based Anti-corruption Commission, to amend certain Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**22 COGNATE BILLS** — Mr Rich-Phillips moved, by leave, That the second reading debate on the Independent Broad-Based Anti-Corruption Commission Bill 2011 be taken concurrently with the second reading debate on the Victorian Inspectorate Bill 2011.

Question — put and agreed to.

**23 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.57 p.m., adjourned until Tuesday, 22 November 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 44, 45 and 46

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**Tuesday, 8 November 2011**

**1 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011**

**Clauses 1 to 26** — put and agreed to.

**Bill reported without amendment.**

**2 TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011**

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Pakula moved —

1. Clause 3, page 39, line 7, after "Minister" insert "in writing".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
Ms Broad  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders (*Teller*)  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Koch  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Mr Pakula moved —

2. Clause 3, page 39, lines 11 to 13, omit "may publish the specific direction in the Government Gazette." and insert "must publish the specific direction on the Public Transport Development Authority's Internet website within 14 days of being given the specific direction.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh ( <i>Teller</i> )	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane ( <i>Teller</i> )	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 31** — put and agreed to.

**Schedules 1 and 2** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 10 November 2011

### 1 ELECTRICITY INDUSTRY AMENDMENT (TRANSITIONAL FEED-IN TARIFF SCHEME) BILL 2011

**Clause 1** — Mr Barber moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg

Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 25** — put and agreed to.

**Bill reported without amendment.**

## 2 SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011

**Clauses 1 to 47** — put and agreed to.

By leave, clause 21 recommitted.

**Clause 21** — put and agreed to.

**Clauses 48 to 59** — put and agreed to.

**Clause 60** — Mr Pakula moved —

1. Clause 60, page 91, line 16, omit "direct the offender to" and insert "apply to the Magistrates' Court for an order that the offender".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos (*Teller*)  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Mr Pakula moved —

8. Clause 60, page 92, line 15, omit "direct" and insert "apply to the Magistrates' Court for an order".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber (*Teller*)  
 Ms Broad (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 60 — put and agreed to.

**Clauses 61 to 108** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 47, 48 and 49

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#### No. 47 — Tuesday, 22 November 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —

On 15 November 2011, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Assembly:

*Transport Legislation Amendment (Public Transport Development Authority) Act 2011*

*Victorian Responsible Gambling Foundation Act 2011*

*Water Legislation Amendment (Water Infrastructure Charges) Act 2011.*

On 22 November 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Electricity Industry Amendment (Transitional Feed-In Tariff Scheme) Act 2011*

*Sentencing Amendment (Community Correction Reform) Act 2011.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —

**VICTORIAN CERTIFICATE OF APPLIED LEARNING FUNDING** — Mr Tarlamis and Mr Leane each presented Petitions bearing 151 and 327 signatures, respectively, from certain citizens of Victoria requesting that the Government reinstate funding for the Victorian Certificate of Applied Learning program.

Ordered to lie on the Table.

\* \* \* \* \*

**GREEN WEDGE DEVELOPMENT** — Mr Tee presented a Petition bearing 602 signatures from certain citizens of Victoria requesting that the Government stop the current review seeking to turn green wedge land into commercial and housing developments, agree to strengthen and grow green wedge space, and work with the community to enhance and improve Melbourne's green wedges.

Ordered to lie on the Table.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE FUNDING** — Mr Leane and Ms Mikakos each presented Petitions bearing 29 and 268 signatures, respectively, from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care program.

Ordered to lie on the Table.

**ANGLESEA BROWN COAL MINE** — Mr Barber presented a Petition bearing 506 signatures from certain citizens of Victoria requesting that the Government fund an independent study of the environment in Angelsea to establish current levels of pollutants in the environment and subsidise Alcoa for the increased cost of its 160 megawatt supplementary power requirement as it replaces brown coal energy with renewable energy.

Ordered to lie on the Table.

On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

## 5 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 14 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**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 7 November 2011 giving approval to the granting of a licence at Lynch's Bridge Historic Precinct Reserve.

Minister's Order of 9 November 2011 giving approval to the granting of a lease and licence at Torquay and Jan Juc Foreshore Reserve.

Gambling Regulation Act 2003 — Monitoring License and Related Agreement issued to Intralot Gaming Services Pty Ltd, 14 November 2011.

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

Ararat Planning Scheme — Amendment C23.

Brimbank Planning Scheme — Amendment C144.

Cardinia Planning Scheme — Amendment C86.

Casey Planning Scheme — Amendments C114 and C153.

Latrobe Planning Scheme — Amendment C68.

Maroondah Planning Scheme — Amendment C42.

Moorabool Planning Scheme — Amendment C57.

Whitehorse Planning Scheme — Amendment C129.

Statutory Rules under the following Acts of Parliament:

Climate Change Act 2010 — No. 128.

Marine Act 1988 — No. 125.

Road Safety Act 1986 — Nos. 126 and 127.

Subordinate Legislation Act 1994 —

Approval of Sports Betting Event (International Rules Series) made under the Gambling Regulation Act 2003 and related documents under section 16B.

Documents under section 15 in respect of Statutory Rule Nos. 116, 121, 122 and 125.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Commercial Arbitration Act 2011 — 17 November 2011 (*Gazette No. S369, 15 November 2011*).

## 6 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 23 November 2011:

- (1) Notice of Motion No. 135 standing in the name of Ms Pulford relating to the Australian Services Union's equal pay test case;
- (2) Notice of Motion No. 219 standing in the name of Mr Barber relating to the introduction of the Members of Parliament (Serious Misconduct) Amendment Bill 2011;
- (3) Notice of Motion No. 222 standing in the name of Ms Hartland relating to the production of a report commissioned by the Department of Education;

- (4) the Notice of Motion given this day by Mr Lenders relating to the 2011 Victorian Families Statement;
- (5) Notice of Motion No. 198 standing in the name of Ms Pennicuik relating to marriage equality; and
- (6) Order of the Day No. 26, regarding the Office of Police Integrity Report tabled on 27 October 2011.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2011** — 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.

**10 MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011** — 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, 37

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza (*Teller*)

Mr D.M. Davis

Mr P.R. Davis

Mr Drum (*Teller*)

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question 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.

Mr Hall 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

NOES, 3

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

Question agreed to.

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

**11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011 AND VICTORIAN INSPECTORATE BILL 2011** — The concurrent debate resumed on the questions, That these Bills be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

Mr Dalla-Riva moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier ( <i>Teller</i> )	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland ( <i>Teller</i> )
Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie ( <i>Teller</i> )	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Debate continued on the questions, That these Bills be now read a second time.

*And the Council having continued to sit after 12 midnight* —

WEDNESDAY, 23 NOVEMBER 2011

Question — That the Independent Broad-based Anti-corruption Commission Bill 2011 be now 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.

**12 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 3.27 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 48 — Wednesday, 23 November 2011

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**VICTORIAN CERTIFICATE OF APPLIED LEARNING FUNDING** — Mr Leane presented a Petition bearing 111 signatures from certain citizens of Victoria requesting that the Government restore funding to the Victorian Certificate of Applied Learning program.

Ordered to lie on the Table.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Tierney presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

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 Reports on —

Local Government: Results of the 2010-11 Audits, November 2011.

Portfolio Departments and Associated Entities: Results of the 2010-11 Audits, November 2011.

Ombudsman — Report on the investigation into ICT-enabled projects, November 2011.

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

Bass Coast Planning Scheme — Amendment C103.

East Gippsland Planning Scheme — Amendment C96.

Glen Eira Planning Scheme — Amendment C92.

Mansfield Planning Scheme — Amendment C22.

Monash Planning Scheme — Amendments C90 and C97.

Victoria Planning Provisions — Amendments VC83 and VC86.

On the motion of Mr Barber, the Notice of Approval of Victoria Planning Provisions Amendment VC83 was ordered to be taken into consideration on the next day of meeting.

4 **BUSINESS OF THE HOUSE** — Mr D.M. Davis moved, by leave, That Standing Order 5.02(3) be suspended to the extent necessary to enable Questions without notice and Answers to Questions on notice to be taken at 2.00 p.m. on Thursday, 24 November 2011.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **COMMUNITY SECTOR WORKERS EQUAL PAY TEST CASE** — Ms Pulford moved, That this House —

(1) notes the absolute disdain expressed by Liberal/National Coalition Members of this House at the tabling of petitions, relating to the Australian Services Union's (ASU) equal pay test case for community sector workers, on 30 June 2011;

(2) further notes that the Liberal/National Coalition committed to fully fund any decision of Fair Work Australia (FWA) arising from the ASU's equal pay test case;

(3) further notes that FWA recently made a landmark decision recognising the role gender has played in the undervaluing of work in the community sector; and

(4) calls on Liberal/National Members of Parliament to apologise for misleading community sector workers about this matter in the lead up to the election and for ridiculing the petitions they have submitted to the Parliament on this important issue.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MINISTER FOR CHILDREN AND EARLY CHILDHOOD DEVELOPMENT**

**CORRESPONDENCE TO TAKE A BREAK PETITIONERS** — Ms Lovell having given answers to a question and a supplementary question without notice relating to correspondence between the Minister for Children and Early Childhood Development and Take A Break petitioners —

On the motion of Ms Mikakos, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**8 COMMUNITY SECTOR WORKERS EQUAL PAY TEST CASE** — Debate continued on the question, That this House —

- (1) notes the absolute disdain expressed by Liberal/National Coalition Members of this House at the tabling of petitions, relating to the Australian Services Union's (ASU) equal pay test case for community sector workers, on 30 June 2011;
- (2) further notes that the Liberal/National Coalition committed to fully fund any decision of Fair Work Australia (FWA) arising from the ASU's equal pay test case;
- (3) further notes that FWA recently made a landmark decision recognising the role gender has played in the undervaluing of work in the community sector; and
- (4) calls on Liberal/National Members of Parliament to apologise for misleading community sector workers about this matter in the lead up to the election and for ridiculing the petitions they have submitted to the Parliament on this important issue.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Ms Hartland  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**9 MEMBERS OF PARLIAMENT (SERIOUS MISCONDUCT) AMENDMENT BILL 2011** —

Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Members of Parliament (Register of Interests) Act 1978 in relation to the imposition of a serious indictable offence for the serious misconduct of Members of Parliament and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

On the motion of Ms Crozier, the debate was adjourned for two weeks.

- 10 PRODUCTION OF DOCUMENTS — GRANT THORNTON REPORT ON EDUCATING YEAR PREP TO 12 STUDENTS WITH AN AUTISM SPECTRUM DISORDER IN THE WESTERN METROPOLITAN REGION** — Ms Hartland moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 6 December 2011 a copy of the report by Grant Thornton on Educating Year Prep to 12 Students with an Autism Spectrum Disorder in the Western Metropolitan Region, commissioned by the Department of Education.

Debate ensued.

Question — put and agreed to.

- 11 VICTORIAN FAMILIES STATEMENT** — Mr Lenders moved, That this House —
- (1) notes the Baillieu-Ryan Government's failure to conclude parliamentary debate on their much hyped 2011 Victorian Families Statement;
  - (2) expresses concern that the Baillieu-Ryan Government have now had a year to fulfil the promise contained in the Statement but have not kept true to the spirit of the Statement, nor respected it in their budget or their administrative decisions, which has hurt many Victorian families; and
  - (3) calls on the Baillieu-Ryan Government to immediately cease its regime of harsh funding cuts impacting on Victorian families.

Debate ensued.

On the motion of Mr Leane, the debate was adjourned until the next day of meeting.

- 12 MARRIAGE EQUALITY** — Ms Pennicuik moved, That this House supports marriage equality, and calls on the Commonwealth Parliament to amend the Commonwealth Marriage Act 1961 to provide for marriage equality.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Pennicuik —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 14 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.51 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 49 — Thursday, 24 November 2011

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Ombudsman — Report on the Investigation into the Foodbowl Modernisation Project and related matters, November 2011.
  - Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2011-12 Budget Estimates – Part One.

Victorian Environmental Assessment Council Act 2001 — Government Response to the Victorian Environmental Assessment Council's Remnant Native Vegetation Investigation Final Report.

Victorian Industry Participation Policy — Report, 2010-11.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 6 December 2011.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 6 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2011** — 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.

- 7 SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Ms Hartland moved, That the Sex Work and Other Acts Amendment Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 8 December 2011.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)  
Ms Tierney (*Teller*)

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 2.00 p.m. pursuant to an order of the Council of 23 November 2011 —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 9 SEX WORK AND OTHER ACTS AMENDMENT BILL 2011** — 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.
- 10 PUBLIC INTEREST MONITOR BILL 2011** — 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 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.
- 11 LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011** — 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 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.
- 12 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to vocational education and training and to make related amendments to the Accident Compensation Act 1985 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
 Mr Rich-Phillips moved, That the Bill be now read a second time.  
 On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned for one week.
- 13 TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Marine Safety Act 2010, the Marine Act 1988, the Port Management Act 1995 and the Transport Integration Act 2010 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
 Mr Rich-Phillips moved, That the Bill be now read a second time.  
 On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 14 CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Public Prosecutions Act 1994 and the Appeal Costs Act 1998 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.
- 15 DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986 and the Confiscation Act 1997 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Lenders, the debate was adjourned for one week.
- 16 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.
- 17 CITY OF MELBOURNE AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the City of Melbourne Act 2001 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.
- 18 VICTORIAN INSPECTORATE BILL 2011** — Question — That the Bill be now 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 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.17 p.m., adjourned until Tuesday, 6 December 2011.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 47, 48 and 49

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Tuesday, 22 November 2011

### 1 MINES (ALUMINIUM AGREEMENT) AMENDMENT BILL 2011

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Question — That Clause 10 stand part of the Bill — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 11 to 13** — put and agreed to.

**Preamble** — put and agreed to.

**Bill reported without amendment.**

## **Wednesday, 23 November 2011 (morning)**

### **2 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION BILL 2011**

**Clauses 1 to 14** — put and agreed to.

Mr Barber moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

**Clause 15** — Mr Pakula moved —

1. Clause 15, page 7, line 26, omit "Subject to subsection (4), the" and insert "The".
2. Clause 15, page 8, lines 19 to 27, omit subclause (4).

*The Deputy President having ruled that Amendment No. 2 was a test of Amendment No. 1 —*

Question — That amendment No. 2 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland ( <i>Teller</i> )	Mr P.R. Davis
Mr Leane	Mr Drum

Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall ( <i>Teller</i> )
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 15 — put and agreed to.

**Clauses 16 to 43** — put and agreed to.

**Clause 44** — Question — That Clause 44 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 18

Mr Barber (*Teller*)  
 Ms Broad  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 45** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 24 November 2011**

**1 SEX WORK AND OTHER ACTS AMENDMENT BILL 2011**

**Clauses 1 to 6** — put and agreed to.

**Clause 7 — Ms Hartland moved —**

1. Clause 7, after line 22 insert—

'() After section 48(5) of the **Sex Work Act 1994** insert—

"(5A) Despite subsection (5), if an application for a disciplinary inquiry relies on the ground set out in subsection (3)(f)(iii), the inquiry may start at any time.".'

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland ( <i>Teller</i> )	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Amendment negatived.

Clause 7 — put and agreed to.

**New Clause — Ms Hartland moved —**

2. Insert the following New Clause to follow clause 7—

**'A Disciplinary powers of Tribunal**

At the foot of section 48A(7) of the **Sex Work Act 1994** insert the following note—

**"Note**

Section 74A provides that it is a condition of a permit that the use or development of land for the purposes of the operation of a brothel must cease during any period of suspension of a licence.".'

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis ( <i>Teller</i> )
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**Clause 8** — put and agreed to.

**New Clause** — Ms Hartland moved —

3. Insert the following New Clause to follow clause 8—

**'A Conditions on permits for licence applicants**

- (1) In section 74A of the **Sex Work Act 1994**, for "a condition that that use or development must not commence unless and until the person is granted the licence." **substitute** "the following conditions—
- (a) the use or development must not commence unless and until the person is granted the licence;
- (b) the use or development must cease during any period of suspension of the licence."
- (2) At the end of section 74A of the **Sex Work Act 1994 insert—**
- "(2) A permit referred to in subsection (1) that does not contain the conditions required by that subsection is taken to include those conditions.".'. .

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza (*Teller*)  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Hall (*Teller*)  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**Clauses 9 to 25** — put and agreed to.

**Bill reported without amendment.**

**2 PUBLIC INTEREST MONITOR BILL 2011**

**Clauses 1 to 18** — put and agreed to.

**Clause 19** — Mr Pakula moved —

1. Clause 19, lines 9 and 10, omit "give the Minister" and insert "prepare".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 18</p> <p>Mr Barber Ms Broad Ms Darveniza (<i>Teller</i>) Mr Eideh Mr Elasmarr Mr Jennings Ms Hartland Mr Leane Mr Lenders Ms Mikakos Mr Pakula Ms Pennicuik Ms Pulford Mr Scheffer Mr Tarlamis Mr Tee (<i>Teller</i>) Ms Tierney Mr Viney</p>	<p>NOES, 20</p> <p>Mr Atkinson Mrs Coote Ms Crozier Mr Dalla-Riva Mr D.M. Davis Mr P.R. Davis Mr Drum (<i>Teller</i>) Mr Elsbury Mr Finn Mr Hall Mr Koch Mrs Kronberg Ms Lovell Mr O'Brien Mr O'Donohue (<i>Teller</i>) Mr Ondarchie Mrs Petrovich Mrs Peulich Mr Ramsay Mr Rich-Phillips</p>
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Amendment negated.

Clause 19 — put and agreed to.

**Clauses 20 to 54** — put and agreed to.

**Bill reported without amendment.**

**3 LIQUOR CONTROL REFORM FURTHER AMENDMENT BILL 2011**

**Clauses 1 to 35** — put and agreed to.

**Bill reported without amendment.**

**4 VICTORIAN INSPECTORATE BILL 2011**

**Clauses 1 to 14** — put and agreed to.

**Clause 15** — Mr Pakula moved —

1. Clause 15, page 9, line 2, omit "Subject to subsection (4), the" and insert "The".
2. Clause 15, page 9, lines 26 to 33, omit subclause (4).

*The Deputy President having ruled that Amendment No. 2 was a test of Amendment No. 1 —*

Question — That amendment No. 2 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 18</p> <p>Mr Barber Ms Broad Ms Darveniza</p>	<p>NOES, 20</p> <p>Mr Atkinson Mrs Coote (<i>Teller</i>) Ms Crozier</p>
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Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 15 — put and agreed to.

**Clauses 16 to 49** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 50, 51 and 52

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#### No. 50 — Tuesday, 6 December 2011

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from —  
The Governor informing the Council that he had, on 29 November 2011, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Independent Broad-based Anti-corruption Commission Act 2011*  
*Justice Legislation Further Amendment Act 2011*  
*Mines (Aluminum Agreement) Amendment Act 2011*  
*State Taxation Acts Further Amendment Act 2011*  
*Victorian Inspectorate Act 2011.*  
The Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 6 December 2011, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Liquor Control Reform Further Amendment Act 2011*  
*Public Interest Monitor Act 2011*  
*Sex Work and Other Acts Amendment Act 2011.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —  
**LITTLE INDIA PRECINCT, DANDENONG** — Mr Tee presented a Petition bearing 735 signatures from certain citizens of Victoria requesting that the Government publicly support and promote the Little India precinct in Dandenong and take steps to mitigate the disruption caused to the precinct by the 'Revitalising Central Dandenong' project undertaken by VicUrban, including the erection of sufficient signage, rent relief, provision of additional car parking spaces, and cancellation of road closures that disrupt customer access.  
Ordered to lie on the Table.

\* \* \* \* \*

**TRAM CONDUCTORS** — Mr Barber presented a Petition bearing 662 signatures from certain citizens of Victoria requesting that the Government reintroduce tram conductors.  
Ordered to lie on the Table.  
On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

**5 PAPERS —**

**SUPREME COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2010-11.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**COUNTY COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the County Court of Victoria for the year 2010-11.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — PRIMARY HEALTH AND AGED CARE** — Ms Pulford presented a Report from the Economy and Infrastructure References Committee on Primary Health and Aged Care (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Pulford moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 15 of 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Architects Registration Board of Victoria — Minister's report of receipt of 2010-11 report.

Coroners Court of Victoria — Report, 2010-11.

Interpretation of Legislation Act 1984 — Document pursuant to section 32(3) in relation to Statutory Rule No. 128.

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

Greater Bendigo Planning Scheme — Amendment C151.

Greater Geelong Planning Scheme — Amendment C127 Part 2.

Hobsons Bay Planning Scheme — Amendment C86.

Melton Planning Scheme — Amendment C84 Part 2.

Moyne Planning Scheme — Amendment C35 Part 2.

Murrindindi Planning Scheme — Amendment C29 Part 1.

Port Phillip Planning Scheme — Amendment C73.

Whitehorse Planning Scheme — Amendment C94.

Yarra Ranges Planning Scheme — Amendment C107.

Special Investigations Monitor —

Report 2010-11, Department of Primary Industries, pursuant to section 131T of the Fisheries Act 1995.

Report 2010-11, Department of Sustainability and Environment, pursuant to section 74P of the Wildlife Act 1975.

Statutory Rules under the following Acts of Parliament:

Police Regulation Act 1958 — No.130.

Residential Tenancies Act 1997 — No. 129.

Supreme Court Act 1986 — Nos. 132 and 133.

Transport (Compliance and Miscellaneous) Act 1983 — No. 131.

Subordinate Legislation Act 1994 —

Amendment to the Keno Technical Standard made under the Gambling Regulation Act 2003 and related documents under section 16B.

Exemption from section 65A(1) of the Road Safety Act 1986 for persons participating in the Valvoline Shepparton Springnats 2011 and related documents under section 16B.

Documents under section 15 in respect of Statutory Rule Nos. 126, 127, 128, 129, 130, 131, 132 and 133.

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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:

Education and Training Reform Amendment (School Safety) Act 2011 — Part 1 and section 5 — 24 November 2011 (*Government Gazette No. S379, 22 November 2011*).

Farm Debt Mediation Act 2011 — 1 December 2011 (*Government Gazette No. S379, 22 November 2011*).

Justice Legislation Amendment (Protective Services Officers) Act 2011 — 28 November 2011 (*Government Gazette No. S379, 22 November 2011*).

- 6 PRODUCTION OF DOCUMENTS — P-12 AUTISM SPECTRUM DISORDER EDUCATION PROVISION REVIEW PROPOSED OPTIONS PAPER** — The Clerk laid on the Table the P-12 Autism Spectrum Disorder Education Provision Review Proposed Options Paper, August 2011 received in accordance with the Resolution of the Council of 23 November 2011.

On the motion of Ms Hartland, the paper was ordered to be taken into consideration on the next day of meeting.

- 7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 7 December 2011:

- (1) Order of the Day No. 18, resumption of debate on the motion noting the contents of the Office of Police Integrity Report tabled on 27 October 2011;
- (2) Notice of Motion No. 229 standing in the name of Ms Hartland relating to the introduction of the Accident Compensation Amendment (Fair Protection for Firefighters) Bill 2011;
- (3) A motion to take note of the Tram Conductors petition tabled this day by Mr Barber;
- (4) Order of the Day No. 17, resumption of debate on the motion condemning the Minister for Health in relation to nurses numbers;
- (5) Notice of Motion No. 178 standing in the name of Ms Pennicuik relating to the production of certain Australian Grand Prix Corporation documents;
- (6) Order of the Day No. 23, resumption of debate on the motion relating to the Victorian Families Statement 2011; and
- (7) Notice of Motion No. 227 standing in the name of Mr Barber relating to feed-in tariffs.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 10 CITY OF MELBOURNE AMENDMENT BILL 2011** — 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.

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

- 12 DOMESTIC ANIMALS AMENDMENT (PUPPY FARM ENFORCEMENT AND OTHER MATTERS) BILL 2011** — 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 14 EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2011** — 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.

- 15 CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Ms Pennicuik moved, That the Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 1 March 2012.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings (*Teller*)  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford

Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question negatived.

Bill to be committed to a Committee of the whole later this day.

- 16 ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to prohibit the consumption of intoxicating liquor while driving and to provide for related matters and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned until Thursday, 8 December 2011.

- 17 CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress —*

- 18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.40 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
 Clerk of the Legislative Council

## No. 51 — Wednesday, 7 December 2011

- 1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**LITTLE INDIA PRECINCT, DANDENONG** — Mr Tee presented a Petition bearing 96 signatures from certain citizens of Victoria requesting that the Government publicly support and promote the Little India precinct in Dandenong and take steps to mitigate the disruption caused to the precinct by the 'Revitalising Central Dandenong' project undertaken by VicUrban, including the erection of sufficient signage, rent relief, provision of additional car parking spaces, and cancellation of road closures that disrupt customer access.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN CERTIFICATE OF APPLIED LEARNING FUNDING** — Mr Leane presented a Petition bearing 72 signatures from certain citizens of Victoria requesting that the Government restore funding to the Victorian Certificate of Applied Learning program.

Ordered to lie on the Table.

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Mikakos presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

### 3 PAPERS —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR-GENERAL'S REPORT ON PREPAREDNESS TO RESPOND TO TERRORISM INCIDENTS** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure (including an Appendix), together with Transcripts of Evidence.

Ordered to lie on the Table, and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Australian Health Practitioner Regulation Agency — Report, 2010-11.

Auditor-General's Reports on —

Compliance with Building Permits, December 2011.

Management of Road Bridges, December 2011.

Managing Contaminated Sites, December 2011.

Victorian Institute of Teaching, December 2011.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing the operative date in respect of the following Act was laid on the Table by the Clerk:

Electronic Transactions (Victoria) Amendment Act 2011 — 1 December 2011 (*Gazette No. S389, 29 November 2011*).

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 OFFICE OF POLICE INTEGRITY REPORT** — Debate resumed on the question, That the House notes the damning Office of Police Integrity (OPI) Report, tabled in the House on Thursday 27 October 2011, on the actions of the Premier, Deputy Premier, other senior Coalition Ministers, the former Parliamentary Secretary for Police and Emergency Services and key advisers in their offices, including —

- (1) the discrepancy between the evidence given to the OPI by the Deputy Premier and the Member for Benambra; and
- (2) the claim by the Deputy Premier that he was “dumbfounded” to learn that his advisor, Mr Weston, was behind a campaign against the Chief Commissioner of Police when that fact should have been immediately apparent to any Minister properly carrying out his or her responsibilities.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr (*Teller*)  
Ms Hartland  
Mr Leane

NOES, 20

Mr Atkinson  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury

Mr Lenders	Mr Finn
Ms Mikakos ( <i>Teller</i> )	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

**6 ACCIDENT COMPENSATION AMENDMENT (FAIR PROTECTION FOR FIREFIGHTERS)**

**BILL 2011** — Ms Hartland, pursuant to notice, introduced a *Bill for an Act to amend the Accident Compensation Act 1985 in relation to compensation for disease due to employment suffered by firefighters and for other purposes.*

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

**7 TRAM CONDUCTORS** — Mr Barber moved, That this House takes note of the Petition bearing 662 signatures tabled in the House on Tuesday, 6 December 2011, requesting that the Government reintroduce tram conductors.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**9 TRAM CONDUCTORS** — Debate continued on the question, That this House takes note of the Petition bearing 662 signatures tabled in the House on Tuesday, 6 December 2011, requesting that the Government reintroduce tram conductors.

Question — put and agreed to.

**10 NURSES NUMBERS** — Debate resumed on the question, That this House condemns the Minister for Health for his secret plan to —

- (1) cut nurses numbers;
- (2) replace nurses with low skilled nurse assistants; and
- (3) reduce nurse to patient ratios;

and for his pre-meditated plan to force nurses into arbitration by failing to negotiate in good faith.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall ( <i>Teller</i> )
Ms Pennicuik	Mr Koch

Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

#### 11 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION —

Ms Pennicuik moved that this House —

- (1) notes that not all the documents ordered by the Resolution of the Council on 2 March 2011 to be tabled in the Council by 12.00 noon on 22 March 2011, have been received by the Council;
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975 and the power to make Standing Orders under section 43 of that Act;
- (3) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (4) again requires the Leader of the Government representing the Premier to table by 12.00 noon on Tuesday, 7 February 2012 a copy of —
  - (a) the financial arrangement/current contract between the Government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One Grand Prix event and, if not included in the above document, the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010 event, any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event, paid by Government Departments or agencies to the AGPC, any services provided to the AGPC by other Government departments (eg Victoria Police) relating to the 2010 event; and
  - (b) the economic study performed as the basis of the five year contract extension to 2015.

Debate ensued.

Question — put and agreed to.

#### 12 VICTORIAN FAMILIES STATEMENT 2011 — Debate resumed on the question, That this House —

- (1) notes the Baillieu-Ryan Government's failure to conclude parliamentary debate on their much hyped 2011 Victorian Families Statement;
- (2) expresses concern that the Baillieu-Ryan Government have now had a year to fulfil the promise contained in the Statement but have not kept true to the spirit of the Statement, nor respected it in their budget or their administrative decisions, which has hurt many Victorian families; and
- (3) calls on the Baillieu-Ryan Government to immediately cease its regime of harsh funding cuts impacting on Victorian families.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

#### 13 STATEMENTS ON REPORTS AND PAPERS — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

#### 14 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.50 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 52 — Thursday, 8 December 2011

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — KILMORE BYPASS** — Ms Broad presented a Petition bearing 130 signatures from certain citizens of Victoria requesting that the Government and VicRoads consider a western bypass of Kilmore in preference to eastern through-road options.

Ordered to lie on the Table.

- 3 **PAPERS —**  
**DRUGS AND CRIME PREVENTION COMMITTEE — VIOLENCE AND SECURITY ARRANGEMENTS IN VICTORIAN HOSPITALS** — Mr Ramsay presented a Report from the Drugs and Crime Prevention Committee on Violence and Security Arrangements in Victorian Hospitals (including Appendices and an Extract from the proceedings of the Committee), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Freedom of Information Act 1982 — Report of the Minister responsible for the establishment of an anti-corruption commission on the operation of the Act, 2010-11.

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries License Review Panel to the Minister in relation to Gaming Machine Entitlements, December 2011.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 8 October 2011 and 7 December 2011.

Office of Police Integrity — Report under section 30L of the Surveillance Devices Act 1999, 2010-11.

Parliamentary Committees Act 2003 —

Government Response to the Drugs and Crime Prevention Committee's Report on People Trafficking for Sex Work.

Government Response to the Rural and Regional Committee's Report on the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria.

State Services Authority — The State of the Public Sector in Victoria, 2009-10.

Statutory Rules under the following Acts of Parliament:

Control of Weapons Act 1990 — No. 140.

Dangerous Goods Act 1985 — No. 134.

Gambling Regulation Act 2003 — No. 138.

Infringements Act 2006 — No. 135.

Regional Growth Fund Act 2011 — No. 141.

Subordinate Legislation Act 1994 — Nos. 137 and 139.

Victorian Civil and Administrative Tribunal Act 1998 — No. 136.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 134, 135, 137 and 141.

- 4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 7 February 2012.

Debate ensued.

Mr Pakula moved as an amendment, That the words “Tuesday, 7 February 2012” be omitted with the view of inserting in their place “a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council”.

Debate ensued.

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

- 5 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 7 ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**VICTORIAN MANUFACTURING SECTOR** — Mr Dalla-Riva having given answers to questions and supplementary questions without notice from Mr Somyurek and Mr Pakula relating to the Victorian manufacturing sector —

On the motion of Mr Viney, the Minister’s answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 9 ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011** — 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.

- 10 TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011** — 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 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.

- 11 SITTING OF THE COUNCIL** — Debate resumed on the question, That the Council, at its rising, adjourn until Tuesday, 7 February 2012 and on the amendment moved by Mr Pakula, That the words “Tuesday, 7 February 2012” be omitted with the view of inserting in their place “a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council”.

Question — That the amendment moved by Mr Pakula be agreed to — put and agreed to.

Question — That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council — put and agreed to.

**12 CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS)**

**BILL 2011** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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, 37

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmarr

Mr Elsbury (*Teller*)

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Mr Viney

Question agreed to.

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

**13 CITY OF GREATER GEELONG AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the City of Greater Geelong Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Tee, the debate was adjourned until the next day of meeting.

- 14 PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Tee, the debate was adjourned until the next day of meeting

- 15 PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Prosecutions Act 1994 in relation to the public prosecutions service and the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned until the next day of meeting.

- 16 MESSAGES FROM THE ASSEMBLY** — The President read Messages from the Assembly informing the Council that they have agreed to the following Bills without amendment:

Leo Cussen Institute (Registration as a Company) Bill 2011

Business Names (Commonwealth Powers) Bill 2011

Children's Services Amendment Bill 2011.

- 17 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2011** — 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.

- 18 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 19 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.33 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 50, 51 and 52

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**Tuesday, 6 December 2011**

**1 CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011**

**Clauses 1 to 16** — put and agreed to.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the Deputy President reported progress.*

**Thursday, 8 December 2011**

**1 ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011**

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders.*

**Clause 4** — Debate resumed.

Mr Pakula moved —

Clause 4, line 22, omit “, (b)”.

Mr Barber moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders (*Teller*)  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich

Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Question negatived.

Question — That the amendment be agreed to — put and negatived.

Clause 4 — put and agreed to.

**Clauses 5 and 6** — put and agreed to.

**Bill reported without amendment.**

## **2 TRANSPORT LEGISLATION AMENDMENT (MARINE SAFETY AND OTHER AMENDMENTS) BILL 2011**

**Clauses 1 to 49** — put and agreed to.

**Clause 50** — Question — That Clause 50 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 51 to 55** — put and agreed to.

**Bill reported without amendment.**

### 3 **CRIMINAL PROCEDURE AMENDMENT (DOUBLE JEOPARDY AND OTHER MATTERS) BILL 2011**

*Progress having been reported on 6 December 2011* —

**Clause 17** — Ms Pennicuik moved —

1. Clause 17, page 11, line 16, omit "it is more likely than not that,".

Question — That the amendment be agreed to — put and negatived.

Ms Pennicuik moved —

2. Clause 17, page 18, line 15, after "fair" insert "and in the interests of justice".
3. Clause 17, page 19, line 11, after "fair" insert "and in the interests of justice".
4. Clause 17, page 21, line 22, after "fair" insert "and in the interests of justice".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendments negatived.

Ms Pennicuik moved —

5. Clause 17, page 24, after line 12 insert—

**"327T Review of Chapter**

- (1) The Attorney-General must conduct a review of the operation of this Chapter and related amendments made by the **Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011**.
- (2) The review must be undertaken as soon as practicable after the fifth anniversary of the day on which section 17 of the **Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011** comes into operation.

- (3) The Attorney-General must cause a copy of the report of the review to be laid before each House of the Parliament."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders (*Teller*)  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 17 — put and agreed to.

**Clauses 18 to 23** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 53, 54 and 55

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#### No. 53 — Tuesday, 7 February 2012

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day as the date of meeting.  
The President took the Chair and read the Prayer.
- 2 **VICTORIAN BUSHFIRES** — The President having made a statement to the House concerning the third anniversary of the Black Saturday Bushfires, Members observed the anniversary by standing for a minute's silence.
- 3 **THE LATE MR SAMUEL JOHN EVERETT LOXTON O.B.E.** — Mr D.M. Davis moved, by leave, That this House expresses its sincere sorrow at the death, on 3 December 2011, of Mr Samuel John Everett Loxton, OBE, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Prahran from 1955 to 1979 and as Government Whip from 1961 to 1979.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
On 13 December 2011 —  
*City of Melbourne Amendment Act 2011*  
*Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011*  
*Education and Training Reform Amendment (Skills) Act 2011*  
*Road Safety Amendment (Drinking while Driving) Act 2011*  
*Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011.*  
On 21 December 2011 —  
*Business Names (Commonwealth Powers) Act 2011*  
*Children's Services Amendment Act 2011*  
*Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011*  
*Leo Cussen Institute (Registration as a Company) Act 2011*  
*Serious Sex Offenders (Detention and Supervision) Amendment Act 2011.*
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**6 PAPERS —****SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 1 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Environment Protection Act 1970 — Sustainability Fund Guidelines pursuant to section 70C(2), February 2012.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 128 and 134/2011.

Legal Profession Act 2004 — Practitioner Remuneration Order 2012.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2011.

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

Banyule Planning Scheme — Amendment C79.

Bass Coast Planning Scheme — Amendments C93, C100 and C123.

Baw Baw Planning Scheme — Amendments C44 Part 2A and C65.

Boroondara Planning Scheme — Amendments C112, C130 and C141.

Brimbank Planning Scheme — Amendment C124.

Campaspe Planning Scheme — Amendment C82 Part 1.

Cardinia Planning Scheme — Amendments C149 and C166.

Casey Planning Scheme — Amendment C156.

Darebin Planning Scheme — Amendment C115.

East Gippsland Planning Scheme — Amendments C94, C97 and C102.

Frankston Planning Scheme — Amendment C81.

Glen Eira Planning Scheme — Amendments C94 and C97.

Glenelg Planning Scheme — Amendment C64.

Golden Plains Planning Scheme — Amendments C40 Part 2 and C51.

Greater Dandenong Planning Scheme — Amendments C125, C129 and C146.

Greater Geelong Planning Scheme — Amendments C222 and C244.

Greater Shepparton Planning Scheme — Amendments C122, C137 and C153.

Horsham Planning Scheme — Amendment C51.

Kingston Planning Scheme — Amendment C120.

Latrobe Planning Scheme — Amendments C12 and C58.

Macedon Ranges Planning Scheme — Amendments C73 and C77.

Manningham Planning Scheme — Amendment C86.

Maribyrnong Planning Scheme — Amendments C43 and C97.

Mitchell Planning Scheme — Amendment C64.

Moira Planning Scheme — Amendments C61 and C65.

Monash Planning Scheme — Amendment C109.

Moonee Valley Planning Scheme — Amendments C99 Part 1 and C107.

Moreland Planning Scheme — Amendments C112 Part 2, C121 and C127.

Mornington Peninsula Planning Scheme — Amendments C91, C100, C109, C126 Part 1, C126 Part 2 and C164.

Nillumbik Planning Scheme — Amendment C64.

Port Phillip Planning Scheme — Amendment C72.

South Gippsland Planning Scheme — Amendments C56 and C60.

Southern Grampians Planning Scheme — Amendment C18.

Stonnington Planning Scheme — Amendments C117, C118, C127, C142 and C159.

Strathbogie Planning Scheme — Amendment C44.

Surf Coast Planning Scheme — Amendments C67 and C69.

Towong Planning Scheme — Amendment C19.

- Victoria Planning Provisions — Amendment VC88.
- Wangaratta Planning Scheme — Amendments C4 and C35.
- Wellington Planning Scheme — Amendment C64.
- Whitehorse Planning Scheme — Amendment C144.
- Whittlesea Planning Scheme — Amendments C138 and C145.
- Wodonga Planning Scheme — Amendments C80, C81 and C90.
- Wyndham Planning Scheme — Amendment C153.
- Yarra Ranges Planning Scheme — Amendment C116.
- Racing Act 1958 — Amendments to the Constitution of Racing Victoria Limited pursuant to section 3B(2).
- Special Investigations Monitor —
  - Report 2010-11, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Office of Police Integrity.
  - Report 2010-11, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.
- Statutory Rules under the following Acts of Parliament:
  - Chattel Securities Act 1987 — No. 166/2011.
  - Children, Youth and Families Act 2005 — No. 152/2011.
  - Children's Services Act 1996 — No. 162/2011.
  - County Court Act 1958 — No. 156/2011.
  - Crown Proceedings Act 1958 — No. 151/2011.
  - Education and Care Services National Law Act 2010 — No. 161/2011.
  - Education and Training Reform Act 2006 — No. 165/2011.
  - Essential Services Commission Act 2001 — No. 155/2011.
  - Estate Agents Act 1980 — No. 163/2011.
  - Flora and Fauna Guarantee Act 1988 — No. 147/2011.
  - Infringements Act 2006 — No. 160/2011.
  - Livestock Management Act 2010 — No. 158/2011.
  - Magistrates' Court Act 1989 — Nos. 149, 150/2011 and 2/2012.
  - Mineral Resources (Sustainable Development) Act 1990 — No. 154/2011.
  - National Parks Act 1975 — No. 148/2011.
  - Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 153/2011.
  - Prevention of Cruelty to Animals Act 1986 — No. 157/2011.
  - Residential Tenancies Act 1997 — No. 164/2011.
  - Sentencing Act 1991 — No. 159/2011.
  - Subordinate Legislation Act 1994 — Nos. 142, 143 and 144/2011.
  - Victims of Crime Assistance Act 1996 — No. 145/2011.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 1/2012.
  - Victorian Energy Efficiency Target Act 2007 — No. 146/2011.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 136, 138, 139, 140, 142 to 151, 153, 154, 156 to 160 and 163 to 165/2011 and 1 and 2/2012.
  - Legislative Instruments and related documents under section 16B in respect of —
    - A Declaration of 20 December 2011 of the Declared Scheme Capacity Day made under section 40FE of the Electricity Industry Act 2000.
    - A Declaration of 21 December 2011 of a Discount Factor made under section 19 of the Victorian Energy Efficiency Act 2007.
    - A Declaration of 14 January 2012 of a Variation to the Road Safety (Vehicles) Regulations 2009 made under section 96A of the Road Safety Act 1986.
    - A Determination of 20 December 2011 of Premises Not Constituting Retail Premises made under the Retail Leases Act 2003.
    - Instruments of Revocation of 20 December 2011 and 21 December 2011 made under section 5.2.1(2)(b) of the Education and Training Reform Act 2006.
    - Ministerial Order No. 514 made under the Education and Training Reform Act 2006.
    - Sixteen Varied Permanent Water Saving Plans made under section 170B of the Water Act 1989 and section 78K of the Water Industry Act 1994.

2012 Fares Amending Conditions (General) and (Myki) made under section 220D of the Transport (Compliance and Miscellaneous) Act 1983.

\* \* \* \* \*

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

Children's Services Amendment Act 2011 — Remaining provisions — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Consumer Affairs Legislation Amendment (Reform) Act 2010 — Remaining provisions of Part 7 (except section 57(2)) — 1 March 2012; section 64 — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011 — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Education and Care Services National Law Act 2010 — Remaining provisions of part 2 and sections 17 and 19 and the remaining provisions of the Schedule to that Act (except sections 70(d), 152, 153(2) to (4), 154 to 159, Division 6 of part 5, sections 172(d), 266 to 268 and 270(1)(d), (2), (3) and (4)) — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Act 2011 — 1 January 2012 (*Gazette No. S407, 13 December 2011*).

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011 — 1 January 2012 (*Gazette No. S407, 13 December 2011*).

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 4 to 7, 9 to 12, 19, 21, 22, 25 to 29, 33 to 37, 39, 40, Division 2 of Part 2 and Part 5 — 22 December 2011 (*Gazette No. S423, 21 December 2011*).

Liquor Control Reform Further Amendment Act 2011 — Part 1 and sections 8, 9(1), 9(2) and 31 — 13 December 2011 (*Gazette No. S407, 13 December 2011*).

Personal Property Securities (Statute Law Revision and Implementation) Act 2010 — Sections 8 and 12 to 14 — 1 January 2012; remaining provisions — 30 January 2012 (*Gazette No. S423, 21 December 2011*).

Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 — Sections 11, 13 to 17 and 22 — 30 January 2012 (*Gazette No. S423, 21 December 2011*).

Sentencing Amendment (Community Correction Reform) Act 2011 — Part 2 (except section 49), section 68, Part 5 (except sections 96 and 101 to 106) and Parts 6 and 7 — 16 January 2012 (*Gazette No. S423, 21 December 2011*).

Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011 — 16 January 2012 (*Gazette No. S423, 21 December 2011*).

Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011 — 1 January 2012 (*Gazette No. S423, 21 December 2011*).

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Parts 2 and 3 and sections 5(1) to (3), 6 to 8, 10 to 20, 22, 23(5), 24(2) and (3), 25 and 31 — 15 December 2011 (*Gazette No. S407, 13 December 2011*).

Victorian Commission for Gambling and Liquor Regulation Act 2011 — 6 February 2012 (*Gazette No. S423, 21 December 2011*).

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**BUDGET SECTOR — UPDATE 2011-12** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Sector Update, 2011-12.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2011-12 BUDGET ESTIMATES — PART TWO** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2011-12 Budget Estimates Part Two.

**7 PRODUCTION OF DOCUMENTS — AUSTRALIAN GRAND PRIX CORPORATION** — The Clerk laid on the Table a letter from the Minister for Innovation, Services and Small Business and Minister for Tourism and Major Events dated 6 February 2012 in response to the

Resolution of the Council of 7 December 2011 seeking the production of documents relating to the Australian Grand Prix, advising that —

- the economic study performed as the basis of the five year contract extension to 2015 does not exist; and
- the Government has again determined that it is not appropriate for the remaining information to be produced as its release would damage the State's financial and commercial interests.

On the motion of Ms Pennicuik, the paper was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 8 February 2012:

- (1) Notice of Motion No. 239 standing in the name of Mr Tee to revoke Amendment C86 to the Hobsons Bay Planning Scheme;
- (2) the Notice of Motion given this day by Mr Barber relating to the introduction of the Road Safety Amendment (Car Doors) Bill 2012;
- (3) Notice of Motion given this day by Mr Barber relating to the production of certain documents in relation to the Northern Victoria Irrigation Renewal Project;
- (4) the Notice of Motion given this day by Mr Lenders relating to government maladministration;
- (5) the Notice of Motion given this day by Ms Pennicuik to take note of documents relating to the Australian Grand Prix Corporation.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**11 PUBLIC PROSECUTIONS AMENDMENT BILL 2011** — 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.

**12 CITY OF GREATER GEELONG AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

**13 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.19 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 54 — Wednesday, 8 February 2012

1 The President took the Chair and read the Prayer.

2 **PETITION — PAKENHAM GREEN WEDGES** — Mr Scheffer presented a Petition bearing 455 signatures from certain citizens of Victoria requesting that the Government stop any plans to develop green wedge land at Pakenham unless there is an independent review

looking at the community's need for open space and a funded plan to deal with the impact on schools, roads, public transport and other infrastructure.

Ordered to lie on the Table.

### 3 PAPERS —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE AUDITOR-GENERAL'S REPORT ON ACCESS TO PUBLIC HOSPITALS: MEASURING PERFORMANCE** — Mr P. R. Davis presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance, together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Auditor-General's Report on State Trustees Limited: Management of represented persons, February 2012.

### 4 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

### 5 HOBSON'S BAY PLANNING SCHEME — AMENDMENT C86 — Mr Tee moved, That Amendment C86 to the Hobsons Bay Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote ( <i>Teller</i> )
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Elsbury ( <i>Teller</i> )
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Mr Koch
Ms Pennicuik	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O'Brien
Mr Somyurek ( <i>Teller</i> )	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Petrovich
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

### 6 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 7 ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012** — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Road Safety Act 1986 and the Road Safety (Drivers) Regulations 2009 and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

Mr Barber moved, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned for one week.

- 8 PRODUCTION OF DOCUMENTS — NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 28 February 2012, a copy of the March 2010 business case, the July 2010 update and the due diligence assessment report as described on page 2 of the Northern Victoria Irrigation Renewal Project Stage 2 agreement between the State of Victoria and the Commonwealth.

Debate ensued.

Question — put and agreed to.

- 9 GOVERNMENT MALADMINISTRATION** — Mr Lenders moved, That this House notes the Baillieu-Ryan Government has used the summer recess to avoid parliamentary scrutiny of its mismanagement, broken promises and deceptive ways in multiple areas of government administration, and in particular notes their —

- (1) release of Victorian Health Service performance reports just before Christmas 2011;
- (2) release of public housing waiting list data on Friday afternoons;
- (3) delayed release of the Bushfire Powerline Safety Taskforce Report;
- (4) inconsistent application of planning policies;
- (5) policy backflips including electronic gaming machine pre-commitment technology, cuts to services, the size of the public sector workforce and the promise to fully fund the outcome of the social and community service workers pay equity test case;
- (6) failure to provide adequate support to manufacturing, including Victoria's automotive industry;
- (7) refusal to release Blue Books;
- (8) refusal to brief the Opposition on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 and restrict Opposition MPs from receiving briefings from public sector agencies;
- (9) repeated failure to release under Freedom of Information the KPMG review into Occasional Childcare which they received in February 2011 until the Opposition commenced proceedings in VCAT;
- (10) refusal to answer questions about the conduct of lobbyists; and
- (11) bogus modelling on the Commonwealth Clean Energy Act 2011.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 11 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.48 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 55 — Thursday, 9 February 2012

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
  - Land Acquisition and Compensation Act 1986 — Minister's certificate of 7 February 2012 pursuant to section 7(4) of the Act.
  - State Electricity Commission of Victoria, Report 2010-11 and its subsidiary bodies —
    - A.C.N. 151 803 628 Pty Ltd.
    - Candacal Pty Ltd.
    - Erinbol Pty Ltd.
    - Gapmint Pty Ltd.
    - Kenasha Pty Ltd.
    - Laprica Holdings.
    - Leleque Pty Ltd.
    - Maygain Pty Ltd.
    - Nardia Pty Ltd.
    - Resdev No. 1 Pty Ltd.
    - Rombar Pty Ltd.
    - Sugase Pty Ltd.
    - Trevyn Pty Ltd.
    - Waslyn Pty Ltd.
  - Water Act 1989 — Upper Ovens River Water Supply Protection Area Water Management Plan 2012.
- 3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 28 February 2012.  
Question — put and agreed to.
- 4 **LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE** — Mr Viney moved, by leave, That the resolution of the Council of 10 February 2011 requiring the Legal and Social Issues References Committee to inquire into and report within 12 months on Organ Donation in Victoria be amended so as to now require the Committee to present its final report by 30 March 2012.  
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 7 **PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Tee were circulated.  
Debate continued.  
Question — put.  
The Council divided — The President in the Chair.
 

<p>AYES, 35</p> <p>Mr Atkinson</p> <p>Ms Broad</p> <p>Mrs Coote</p> <p>Ms Crozier</p> <p>Ms Darveniza</p> <p>Mr D.M. Davis</p> <p>Mr P.R. Davis</p> <p>Mr Drum</p>	<p>NOES, 3</p> <p>Mr Barber</p> <p>Ms Hartland (<i>Teller</i>)</p> <p>Ms Pennicuik (<i>Teller</i>)</p>
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Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question 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.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**9 HER MAJESTY THE QUEEN'S DIAMOND JUBILEE** — Mr D.M. Davis moved, by leave, That the following resolution be agreed to by the House:

TO HER MAJESTY QUEEN ELIZABETH II  
MOST GRACIOUS SOVEREIGN

We, the President and Members of the Legislative Council, in Parliament assembled, express to Your Majesty our warm congratulations at this time of celebration of the Diamond Jubilee of your accession to the Throne.

We express our respect and high regard for the dedication you have shown in the service of the Commonwealth of Australia and in particular the State of Victoria, and for the consistently high sense of duty you have displayed throughout Your Majesty's reign.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Mr D.M. Davis moved, by leave, That the following Address to the Governor be agreed to by this House:

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that you will be pleased to communicate the accompanying resolution to Her Majesty The Queen.

Question — put and agreed to.

**10 CITY OF GREATER GEELONG AMENDMENT BILL 2011** — 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, 31	NOES, 3
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Ms Broad ( <i>Teller</i> )	Ms Hartland
Mrs Coote	Ms Pennicuik ( <i>Teller</i> )
Ms Crozier	
Mr D.M. Davis	
Mr P.R. Davis	
Mr Drum ( <i>Teller</i> )	
Mr Eideh	
Mr Elasmarr	
Mr Elsbury	
Mr Finn	
Mr Guy	
Mr Hall	
Mr Koch	
Mrs Kronberg	
Mr Leane	
Ms Lovell	
Ms Mikakos	
Mr O'Brien	
Mr O'Donohue	
Mr Ondarchie	
Mr Pakula	
Mrs Petrovich	
Mrs Peulich	
Ms Pulford	
Mr Ramsay	
Mr Scheffer	
Mr Somyurek	
Mr Tarlamis	
Mr Tee	
Ms Tierney	

Question 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.

**11 CARBON TAX IMPACT ON HEALTH SERVICES** — Mr Guy (for Mr D.M. Davis) moved, That this House —

- (1) calls on the Commonwealth Government to provide full and timely compensation to Victorian health services and health providers for the significant cost impacts in public and community health services of the Commonwealth's Carbon Tax; and
- (2) notes that when other Commonwealth taxes such as the Goods and Services Tax were applied, health services were exempt and the same principles should apply to the Carbon Tax.

Debate ensued.

On the motion of Mr D.M. Davis, the debate was adjourned until the next day of meeting.

- 12 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the National Parks Act 1975 and the Water Industry Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 13 EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958, the Victoria State Emergency Service Act 2005, the Emergency Management Act 1986, the Emergency Services Telecommunications Authority Act 2004, the Forests Act 1958 and the Summary Offences Act 1966 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Ms Tierney, the debate was adjourned for one week.

- 14 PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Port Management Act 1995 to provide for the imposition of a licence fee on the Port of Melbourne Corporation and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 15 FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Freedom of Information Act 1982 to establish a Freedom of Information Commissioner and to improve the operation of that Act, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**16 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011, to consequentially amend the Parliamentary Committees Act 2003, the Police Regulation Act 1958, the Surveillance Devices Act 1999 and the Telecommunications (Interception) (State Provisions) Act 1988, to repeal the Police Integrity Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**17 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.21 p.m., adjourned until Tuesday, 28 February 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 53, 54 and 55

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Thursday, 9 February 2012

### 1 PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011

**Clause 1** — put and agreed to.

**Clause 2** — Mr Tee moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 2, page 1, line 9, before "This" insert "(1)".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 15

NOES 23

Ms Broad

Mr Atkinson

Ms Darveniza

Mr Barber (*Teller*)

Mr Eideh

Mrs Coote

Mr Elasmr

Ms Crozier

Mr Jennings

Mr D.M. Davis

Mr Leane

Mr P.R. Davis

Mr Lenders

Mr Drum

Ms Mikakos (*Teller*)

Mr Elsbury

Mr Pakula (*Teller*)

Mr Finn (*Teller*)

Ms Pulford

Mr Guy

Mr Scheffer

Mr Hall

Mr Somyurek

Ms Hartland

Mr Tarlamis

Mr Koch

Mr Tee

Mrs Kronberg

Ms Tierney

Ms Lovell

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Ms Pennicuik

Mrs Petrovich

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 6** — put and agreed to.

**Bill reported without amendment.**

### 2 CITY OF GREATER GEELONG AMENDMENT BILL 2011

**Clauses 1 to 8** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 56, 57 and 58

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#### No. 56 — Tuesday, 28 February 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 14 February 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*City of Greater Geelong Amendment Act 2012*

*Planning and Environment Amendment (Schools) Act 2012*

*Public Prosecutions Amendment Act 2012.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**INDIAN TRADE MISSION** — Mr Dalla-Riva having given an answer to a question without notice relating to the Victorian Government's Trade Mission to India —  
On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 4 **PETITIONS** —

**PUFFING BILLY** — Mr Scheffer presented a Petition bearing 1,491 signatures from certain citizens of Victoria requesting that the Government commit \$15 million to ensure the survival of the Puffing Billy historic railway line.

Ordered to lie on the Table.

\* \* \* \* \*

**KINDERGARTEN FUNDING** — Ms Mikakos presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Government significantly increase its funding commitment of only \$15 million over 4 years to expand Victoria's kindergarten facilities in order to meet the COAG agreement of 15 hours of kindergarten per week for all 4 year olds.

Ordered to lie on the Table.

- 5 **PAPERS** —

**PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Protecting Victoria's Vulnerable Children Inquiry Report, January 2012.

Question — put and agreed to.

The Report was presented by Ms Lovell and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 2 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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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:

Education and Care Services National Law Act 2010 — Education and Care Services National Regulations pursuant to section 303.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2011.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 146, 153 and 154/2011.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ended 31 October 2011.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2011.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2011.

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

Ballarat Planning Scheme — Amendment C147.

Banyule Planning Scheme — Amendment C76.

Bass Coast Planning Scheme — Amendment C78 Part 1.

Baw Baw Planning Scheme — Amendment C87.

Boroondara Planning Scheme — Amendments C132, C136 and C144.

Campaspe Planning Scheme — Amendment C89.

Cardinia Planning Scheme — Amendment C153.

Casey Planning Scheme — Amendment C117.

Colac Otway Planning Scheme — Amendments C54 and C58.

Frankston Planning Scheme — Amendments C55 and C75.

Greater Dandenong Planning Scheme — Amendments C116 and C142.

Greater Geelong Planning Scheme — Amendments C216, C230 and C252.

Kingston Planning Scheme — Amendment C114.

Knox Planning Scheme — Amendment C62.

Latrobe Planning Scheme — Amendment C39 (Part 2).

Maribyrnong Planning Scheme — Amendment C110.

Mildura Planning Scheme — Amendment C72.

Mitchell Planning Scheme — Amendment C84.

Moira Planning Scheme — Amendment C64.

Moonee Valley Planning Scheme — Amendment C113.

Moorabool Planning Scheme — Amendments C6 Part 1 and C39.

Moreland Planning Scheme — Amendment C140.

Nillumbik Planning Scheme — Amendments C72 and C74.

Port Phillip Planning Scheme — Amendment C92.

Pyrenees Planning Scheme — Amendment C26.

Stonnington Planning Scheme — Amendments C143 and C147.

Surf Coast Planning Scheme — Amendments C71 Part 1 and C77.

Wodonga Planning Scheme — Amendments C91 and C92.

Yarra Ranges Planning Scheme — Amendment C99.

Yarriambiack Planning Scheme — Amendment C17.

Statutory Rules under the following Acts of Parliament:

Infringements Act 2006 — No. 3/2012.

Liquor Control Reform Act 1998 — No. 5/2012.

Local Government Act 1989 — No. 4/2012.

Pollution of Waters by Oil and Noxious Substances Act 1986 — No. 7/2012.

- Subdivision Act 1988 — No. 111/2011.  
Victorian Energy Efficiency Target Act 2007 — No. 6/2012.  
Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 152, 161 and 162/2011,  
3, 4, 6, 7 and 9/2012.  
Legislative Instruments and related documents under section 16B in respect of —  
Ministerial Order made under the Docklands Act 1991.  
Victorian Central Monitoring and Control System Requirements under Gambling  
Regulation Act 2003.

\* \* \* \* \*

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

Liquor Control Reform Further Amendment Act 2011 — remaining provisions — 20 February 2012 (*Gazette No. S26, 7 February 2012*).

Serious Sex Offenders (Detention and Supervision) Amendment Act 2011 — 1 March 2012 (*Gazette No. S45, 21 February 2012*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 29 February 2012:

- (1) the Notice of Motion given this day by Mr Tee to revoke Amendment C140 to the Moreland Planning Scheme;
- (2) Order of the Day No. 21, resumption of debate on the second reading of the Road Safety Amendment (Car Doors) Bill 2012;
- (3) the Notice of Motion given this day by Mr Tee relating to the establishment of a Select Committee into planning decisions in relation to the rezoning of farming land in Ventnor;
- (4) the Notice of Motion given this day by Mr Barber relating to the referral of a matter to the Privileges Committee;
- (5) Order of the Day No. 20, resumption of debate on the motion relating to government maladministration; and
- (6) Notice of Motion No. 254 standing in the name of Ms Pennicuik to take note of documents relating to the Australian Grand Prix Corporation.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 24, 175, 205 and 215 be postponed until later this day.

**9 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE** — Mr Rich-Phillips moved, That this House —

- (1) notes that Australia experiences one of the highest mismatches of expenditure responsibilities and revenue raising capacity (vertical fiscal imbalance) of any federation in the world which means the States are heavily reliant on Commonwealth financial transfers; and
- (2) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 30 November 2012 on the level and nature of the following Commonwealth recurrent funding —
  - (i) National Partnership Payments – time limited funding that is provided for a specific project, program or reform.
  - (ii) Financial Assistance Grants to Local Government – provided through the state to local governments as general purpose revenue.
  - (iii) Commonwealth Own Purpose Expenditure – payments made by the Australian Government in the conduct of its own general government sector activities, and includes expenses for the purchase of goods and services and associated transfer payments.

(iv) Direct Outlays – the Commonwealth’s operations or activities undertaken in Victoria.

and in respect of each —

- (a) whether the current share of funding Victoria is receiving is satisfactory relative to its population share and its contribution to the Australian economy, and the extent and nature of changes in that share over time;
- (b) whether the adequacy of Victoria’s share varies across each of the different areas of government service delivery and economic activity;
- (c) if the requirements imposed on funding are reducing the scope for innovation and service delivery efficiencies;
- (d) whether the costs of administration and associated reporting under funding agreements are appropriate; and
- (e) the future of programs at the expiry of funding agreements.

Debate ensued.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**11 PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Ms Pennicuik moved, That the Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report by 29 March 2012.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O’Brien
Mr Tarlamis	Mr O’Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Guy 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, 24

NOES, 16

Mr Atkinson

Ms Broad

Mr Barber

Ms Darveniza

Mrs Coote

Mr Eideh

Ms Crozier

Mr Elasmarr

Mr Dalla-Riva

Mr Jennings

Mr D.M. Davis

Mr Leane

Mr P.R. Davis

Mr Lenders

Mr Drum

Ms Mikakos (*Teller*)

Mr Elsbury

Mr Pakula

Mr Finn

Ms Pulford

Mr Guy

Mr Scheffer

Mr Hall

Mr Somyurek

Ms Hartland

Mr Tarlamis (*Teller*)

Mr Koch

Mr Tee

Mrs Kronberg

Ms Tierney

Ms Lovell

Mr Viney

Mr O'Brien

Mr O'Donohue (*Teller*)

Mr Ondarchie (*Teller*)

Ms Pennicuik

Mrs Petrovich

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

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

**12 EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012 —**

The President read a Message from the Assembly presenting *A Bill for an Act to amend the Evidence (Miscellaneous Provisions) Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned until the next day of meeting.

**13 FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011 —** Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr Dalla-Riva moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh ( <i>Teller</i> )
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum ( <i>Teller</i> )	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall ( <i>Teller</i> )	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford ( <i>Teller</i> )
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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 Barber moved, That it be an instruction to the Committee that they have power to consider amendments and new clauses to amend the *Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984*, the *Australian Grands Prix Act 1994*, the *Firearms Act 1996*, the *Loy Yang B Act 1992*, the *Treasury Corporation of Victoria Act 1992* and the *Victorian Funds Management Corporation Act 1994* to remove from those Acts exemptions from the *Freedom of Information Act 1982*.

Debate ensued.

Question — put and negatived.

Bill committed to a Committee of the whole.

House in Committee.

And the Council having continued to sit after 12 midnight —

WEDNESDAY, 29 FEBRUARY 2012

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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, 23	NOES, 15
Mr Atkinson	Ms Broad
Mr Barber	Mr Eideh
Mrs Coote	Mr Elasmarr ( <i>Teller</i> )
Ms Crozier	Mr Jennings ( <i>Teller</i> )
Mr Dalla-Riva	Mr Leane
Mr D.M. Davis	Mr Lenders
Mr P.R. Davis	Ms Mikakos
Mr Drum	Mr Pakula

Mr Elsbury	Ms Pulford
Mr Finn ( <i>Teller</i> )	Mr Scheffer
Mr Guy	Mr Somyurek
Ms Hartland	Mr Tarlamis
Mr Koch	Mr Tee
Mrs Kronberg	Ms Tierney
Ms Lovell	Mr Viney
Mr O'Brien	
Mr O'Donohue	
Mr Ondarchie	
Ms Pennicuik ( <i>Teller</i> )	
Mrs Petrovich	
Mrs Peulich	
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

**14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 1.34 a.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 57 — Wednesday, 29 February 2012

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**VICTORIAN CERTIFICATE OF APPLIED LEARNING PROGRAM** — Mr Leane presented a Petition bearing 30 signatures from certain citizens of Victoria requesting that the Government restore funding to the Victorian Certificate of Applied Learning program.

Ordered to lie on the Table.

\* \* \* \* \*

**TAKE A BREAK OCCASIONAL CHILD CARE PROGRAM** — Ms Tierney presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the Take A Break Occasional Child Care Program.

Ordered to lie on the Table.

3 **PAPERS** —

**ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE — ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2011** — Mrs Peulich presented a Report from the Environment and Planning Legislation Committee on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 (including Appendices, Extracts from the proceedings of the Committee, a minority report and a Transcript of Evidence) together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Peulich moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE 2009-10 AND 2010-11 ANNUAL REPORTS** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Review of the 2009-10 and 2010-11 Annual Reports (including an Appendix).

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Government Advertising and Communications, February 2012.

Public Transport Performance, February 2012.

Border Groundwaters Agreement Review Committee — Report, 2010-11.

Statutory Rules under the following Acts of Parliament:

Bus Safety Act 2009 — No. 9.

Cancer Act 1958 — No. 8.

Road Safety Act 1986 — No. 10.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 MORELAND PLANNING SCHEME — AMENDMENT C140** — Mr Tee moved, That Amendment C140 to the Moreland Planning Scheme be revoked.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 MORELAND PLANNING SCHEME — AMENDMENT C140** — Debate continued on the question, That Amendment C140 to the Moreland Planning Scheme be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

- 8 ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Koch, the debate was adjourned until Wednesday, 14 March 2012.

- 9 PRIVILEGES COMMITTEE REFERENCE — CONDUCT OF MR SIMON RAMSAY, MLC** — Mr Barber moved, That there be referred to the Privileges Committee for inquiry and report the conduct of Mr Simon Ramsay, MLC in relation to his vote in the Council on 12 October 2011 relating to Amendment VC82 to the Victoria Planning Provisions, and whether his vote breached Standing Order 16.07 or any provision of the *Members of Parliament (Register of Interests) Act 1978*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

*Business having been interrupted at 5.40 p.m. pursuant to Standing Orders —*

- 10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.34 p.m. pursuant to Sessional Orders —*

- 11 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 7.02 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 58 — Thursday, 1 March 2012

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 3 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Australian Crime Commission —

Report under section 30L of the Surveillance Devices Act 1999, 2010-11.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2010-11.

Ombudsman — Report on the Investigation into the storage and management of ward records by the Department of Human Services, March 2012.

Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on the Environment Effects Statement process in Victoria.

Public Administration Act 2004 — State Services Authority's Report on the Inquiry into the command, management and functions of the senior structure of Victoria Police and Government Response pursuant to section 55 of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 166/2011.

3 **SITTING OF THE COUNCIL —** Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 13 March 2012.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.12.

5 **BUSINESS POSTPONED —** Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 24, 205, 215 and 269 be postponed until later this day.

6 **STATUTE LAW REVISION BILL 2012 —** Mr D.M. Davis, pursuant to notice, introduced *A Bill to revise the Statute Law of Victoria*.

On the motion of Mr D.M. Davis, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

7 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011 —** 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.

8 **EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012 —** Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

9 **QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04.

**WORKCOVER PREMIUMS —** Mr Dalla-Riva having given an answer to a question without notice relating to WorkCover Premiums —

On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

**10 EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012** — Debate continued on the question, That the Bill be now read a second time.

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.

**11 PRODUCTION OF DOCUMENTS — NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT** — The Clerk laid on the Table a letter from the Minister for Water in response to the Resolution of the Council of 8 February 2012 seeking the production of documents relating to a copy of the March 2010 business case, the July 2010 update and the due diligence assessment report as described on page 2 of the Northern Victoria Irrigation Renewal Project Stage 2 agreement between the State of Victoria and the Commonwealth —

- advising that the Government is in the process of responding to this resolution; and
- indicating that the Government regrets not being able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

**12 STATUTE LAW REVISION BILL 2012** — Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for two weeks.

**13 STATUTE LAW REVISION BILL 2012 — REFERRAL TO SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr D.M. Davis moved, by leave, That the proposals contained in the Statute Law Revision Bill 2012 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Question — put and agreed to.

**14 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — 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 ordered to be committed to a Committee of the whole later this day.

**15 BUILDING AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 to provide that a disciplinary inquiry may be commenced against a person, whose registration as a building practitioner is suspended, for a period of up to 3 years after the suspension takes effect and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**16 CARERS RECOGNITION BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the recognition of people in care relationships and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**17 CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AMENDMENTS)**

**BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the City of Melbourne Act 2001 to further provide for environmental upgrade agreements and to make other miscellaneous amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**18 CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**19 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011** — 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.

**20 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.01 p.m., adjourned until Tuesday, 13 March 2012.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 56, 57 and 58

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Tuesday, 28 February 2012

### 1 PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION LICENCE FEE) BILL 2011

Clauses 1 to 5 — put and agreed to.

New Clauses — Ms Pulford moved —

Insert the following New Clauses to follow clause 5—

**'A New Division 6 inserted**

After Division 5 of Part 3 of the Principal Act insert—

**"Division 6—Port licence fee oversight**

**63L Definition**

In this Division—

**regulated fee** means any fee or charge payable to the Port of Melbourne Corporation that may be the subject of a price determination by the Commission in accordance with Part 3 of the **Essential Services Commission Act 2001**.

**63M Notice of increase in regulated fees**

The Port of Melbourne Corporation must cause a notice to be published in the Government Gazette before 31 May in each financial year specifying, in relation to the following financial year—

- (a) the amount of each regulated fee that is payable; and
- (b) the part of the amount referred to in paragraph (a) that is attributable to payment by the Port of Melbourne Corporation of the port licence fee; and
- (c) the proportion of anticipated revenue from regulated fees that can be attributed to payment by the Port of Melbourne Corporation of the port licence fee.

**63N Over-recovery of port licence fee**

If, in a financial year, the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that is collected for the purpose of payment of the port licence fee is an amount that exceeds the amount of the port licence fee payable in that financial year—

- (a) the balance of that proportion of revenue must be applied to the payment of the port licence fee in the following financial year; and
- (b) the Port of Melbourne Corporation must make a new determination of those regulated fees to reduce the proportion of the regulated fees collected for the purpose of payment of the port licence fee.

**63O Information to be disclosed in annual report**

The Port of Melbourne Corporation must include in its annual report of operations under Part 7 of the **Financial Management Act 1994** details of the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that was collected for the purpose of payment of the port licence fee.

**63P Review of determination by Commission**

(1) In addition to any other powers the Commission may have under this Act or the **Essential Services Commission Act 2001**, the Commission must, not later than 30 November 2014, conduct and complete a price determination it has made in relation to prescribed services in the port of Melbourne, having regard to—

- (a) whether in any financial year the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that was collected for the purpose of payment of the port licence fee exceeded the amount of the port licence fee payable in that financial year; and
- (b) any other factor which may impact on the amount of revenue from regulated fees paid or payable to the Port of Melbourne Corporation that is attributable to payment of the port licence fee; and
- (c) whether an exemption or partial exemption from a regulated fee or an increase in a regulated fee should be granted to any person or class of person liable to pay the regulated fee on the basis that payment of the regulated fee or increase in

regulated fee by that person or class of person would be inequitable or against the public interest.

- (2) As a result of a determination under subsection (1), the Commission may amend or revoke and remake a price determination in relation to prescribed services in the port of Melbourne."

**B New Part 18 inserted**

At the end of Part 17 of the Principal Act **insert—**

**"PART 18—REPEALS**

**188 Repeal of definitions**

In section 3(1), the definitions of *port licence fee* and *quarter* are **repealed** on 1 July 2016.

**189 Repeal of Part 2B**

Part 2B is **repealed** on 1 July 2016.

**190 Repeal of Division 6 of Part 3**

Division 6 of Part 3 is **repealed** on 1 July 2016.

—————".

Question — That the New Clauses stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch (*Teller*)  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

**Clause 6** — put and agreed to.

**Bill reported without amendment.**

**2 FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011**

**Clauses 1 to 4** — put and agreed to.

**New Clause** — Mr Barber moved —

1. Insert the following New Clause to follow clause 4—

**'A New section 5A inserted**

After section 5 of the Principal Act **insert—**

**"5A Government contracts to provide that Act applies**

- (1) This section applies to a contract with a business, commercial or financial undertaking entered into by—
  - (a) a Minister, for and on behalf of the Crown; or
  - (b) an agency.
- (2) The contract must provide that the contract is a document that is subject to this Act."

Question — That the New Clause stand part of the Bill — put and negatived.

**Clause 5** — put and agreed to.

**Clause 6** — Mr Pakula moved —

1. Clause 6, line 16, after "agencies" insert "or Ministers".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders ( <i>Teller</i> )	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Mr Pakula moved —

2. Clause 6, page 5, line 33, omit "not exceeding" and insert "not less than".

Question — That the amendment be agreed to — put and negatived.

Mr Pakula moved —

3. Clause 6, page 7, line 28, after "resolution" insert "passed by an absolute majority".

Question — That the amendment be agreed to — put and negatived.

Mr Pakula moved —

4. Clause 6, page 10, line 3, omit "Minister" and insert "Freedom of Information Commissioner".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva

Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negated.

Clause 6 — put and agreed to.

**Clauses 7 to 10** — put and agreed to.

**New Clause** — Mr Barber moved —

2. Insert the following New Clause to follow clause 10—

**"B Cabinet documents**

Section 28(4), (5) and (6) of the Principal Act are **repealed**".

Question — That the New Clause stand part of the Bill — put and negated.

**Clause 11** — Question — That Clause 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

NOES 18

Mr Barber (*Teller*)  
 Ms Broad  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**New Clause** — Mr Barber moved —

4. Insert the following New Clause to follow clause 11—

**"C Section 30 repealed**

Section 30 of the Principal Act is **repealed**."

Question — That the New Clause stand part of the Bill — put and negatived.

**Clause 12** — put and agreed to.

**Clause 13** — Mr Pakula moved —

11. Clause 13, lines 28 to 30, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negatived.

Mr Pakula moved —

21. Clause 13, page 18, line 1, omit "30" and insert "14".

Question — That the amendment be agreed to — put and negatived.

Mr Pakula moved —

25. Clause 13, page 18, line 25, omit "45" and insert "28".

Question — That the amendment be agreed to — put and negatived.

*And having continued to sit after 12 midnight* —

WEDNESDAY, 29 FEBRUARY 2012

Mr Pakula moved —

32. Clause 13, page 19, line 24, omit "30" and insert "14".

Question — That the amendment be agreed to — put and negatived.

Mr Pakula moved —

48. Clause 13, page 23, line 5, omit "60" and insert "28".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik (*Teller*)  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negated.

Clause 13 — put and agreed to.

**Clauses 14 and 15** — put and agreed to.

**New Clause** — Mr Barber moved —

5. Insert the following New Clause to follow clause 15—

**"D Applications for review**

Section 50(5) of the Principal Act is **repealed**."

Question — That the New Clause stand part of the Bill — put and negated.

**Clauses 16 to 23** — put and agreed to.

**Clause 24** — Mr Pakula moved —

80. Clause 24, page 39, line 1, omit "less" and insert "more".

Question — That the amendment be agreed to — put and negated.

Clause 24 — put and agreed to.

**Clauses 25 to 29** — put and agreed to.

**Clause 30** — Mr Pakula moved —

85. Clause 30, page 49, line 23, omit "Act." and insert "Act".

Question — That the amendment be agreed to — put and negated.

Clause 30 — put and agreed to.

**Clauses 31 to 48** — put and agreed to.

**Clause 49** — Mr Barber moved —

8. Clause 49, page 60, line 15, omit "1982." and insert "1982".

Question — That the amendment be agreed to — put and negated.

Clause 49 — put and agreed to.

**Clauses 50 to 53** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 1 March 2012

### 1 EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

### 2 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011

**Clauses 1 to 11** — put and agreed to.

**Clause 12** — Question — That Clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson

Mrs Coote

NOES, 18

Mr Barber (*Teller*)

Ms Broad

Ms Crozier	Mr Eideh
Mr Dalla-Riva ( <i>Teller</i> )	Mr Elasmar
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane ( <i>Teller</i> )
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

**Clauses 13 to 28** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 59, 60 and 61

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#### No. 59 — Tuesday, 13 March 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 1 March 2012 —  
*Evidence (Miscellaneous Provisions) Amendment (Affidavits) Act 2012.*
  - On 6 March 2012 —  
*Emergency Services Legislation Amendment Act 2012*  
*Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012*  
*Parks and Crown Land Legislation Amendment Act 2012*  
*Port Management Amendment (Port of Melbourne Corporation Licence Fee) Act 2012.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**EFFECT OF CARBON TAX ON HOSPITALS** — Mr D.M. Davis having given an answer to a question without notice relating to the Sinclair Knight Merz Report on the effect of the carbon tax on hospitals —  
On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — MINYIP WATER QUALITY** — Mr Lenders presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Government fully fund a project to install a filtration plant in Minyip or connect Minyip's water supply to the Murtoa filtration plant to ensure Minyip is supplied with suitable drinking water.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr O'Donohue presented Alert Digest No. 4 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Education and Training Reform Act 2006 — Declarations of 15 December 2011 of Beneficiary Schools for the purpose of the Mildura schools land.

Gambling Regulation Act 2003 — Tabcorp Wagering (Vic) Pty Ltd Wagering and Betting Licence and Related Agreement, December 2011.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No.158/2011.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C146.

Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C120.

Corangamite Planning Scheme — Amendment C21.

East Gippsland Planning Scheme — Amendment C99.

Frankston Planning Scheme — Amendment C46 Part 1.

Golden Plains Planning Scheme — Amendment C55.

Hume Planning Scheme — Amendment C130.

Knox Planning Scheme — Amendment C108.

Mansfield Planning Scheme — Amendment C23.

Maroondah Planning Scheme — Amendment C83.

Monash Planning Scheme — Amendment C104.

South Gippsland Planning Scheme — Amendment C63.

Strathbogrie Planning Scheme — Amendment C28 Part 1.

Surf Coast Planning Scheme — Amendment C59.

Whitehorse Planning Scheme — Amendment C133.

Wodonga Planning Scheme — Amendment C73.

Yarra Ranges Planning Scheme — Amendments C113 and C120.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — Accident Compensation (WorkCover Insurance) Act 1993 — No. 11.

Guardianship and Administration Act 1986 — No. 12.

Residential Tenancies Act 1997 — No. 17.

Subdivision Act 1988 — No. 15.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 16.

Subordinate Legislation Act 1994 — No. 13.

Victorian Energy Efficiency Target Act 2007 — No. 14.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 8, 10 to 12 and 15 to 17.

Victorian Environmental Assessment Council Act 2001 — Government Response to the Victorian Environmental Assessment Council's Metropolitan Melbourne Investigation Final Report.

\* \* \* \* \*

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

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011 — Remaining provisions — 18 March 2012 (*Gazette No. S66, 6 March 2012*).

Public Prosecutions Amendment Act 2012 — 6 March 2012 (*Gazette No. S54, 28 February 2012*).

Sex Work and Other Acts Amendment Act 2011 — Remaining provisions — 1 March 2012 (*Gazette No. S54, 28 February 2012*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 14 March 2012:

- (1) Notice of Motion No. 275 standing in the name of Mr Tee relating to the provision of the Ports and Environs Advisory Committee Report;

- (2) the Notice of Motion given this day by Mr Barber relating to the provision of certain wildlife permits;
- (3) the Notice of Motion given this day by Mr Pakula referring a matter to the Privileges Committee relating to a draft Code of Conduct for Ministers and others;
- (4) Notice of Motion No. 254 standing in the name of Ms Pennicuik to take note of documents relating to the Australian Grand Prix Corporation;
- (5) Order of the Day No. 19, consideration of Minister's answer to a question without notice relating to WorkCover Premiums;
- (6) Notice of Motion No. 251 standing in the name of Mr Barber relating to the provision of the 2012 Network Revenue Protection Plan;
- (7) Notice of Motion No. 237 standing in the name of Mr Lenders relating to the banning of 'Dorothy Dix' questions; and
- (8) Notice of Motion No. 257 standing in the name of Mr Barber to introduce the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 17 April 2012.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Ms Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
	Mr Ramsay

Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress —*

Mr Dalla-Riva moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 19

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmarr (*Teller*)

Mr P.R. Davis (*Teller*)

Mr Jennings

Mr Drum (*Teller*)

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos

Mr Hall

Mr Pakula

Mr Koch

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie

Mr Tee

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

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.

- 10 ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012** — Mr Koch moved, by leave, That the Road Safety Amendment (Car Doors) Bill 2012 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report.

Debate ensued.

Question — put and agreed to.

- 11 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.40 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 60 — Wednesday, 14 March 2012

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BLACKBURN PRIMARY SCHOOL** — Mrs Kronberg presented a Petition bearing 86 signatures from certain citizens of Victoria requesting that the Government increase the funding for the Blackburn Primary School modernisation project to allow for the redevelopment including approved special factors to proceed.

Ordered to lie on the Table.

3 **PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE AUDITOR-GENERAL'S REPORTS JANUARY — JUNE 2009 AND FOLLOW-UP OF PAEC REPORTS 82, 86 and 91** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Reports January-June 2009 and Follow-up of PAEC Reports 82, 86 and 91 (including an Appendix).

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Agricultural Food Safety, March 2012.

Melbourne Markets Redevelopment, March 2012.

Confiscation Act 1997 — Report, 2010-11, from the Chief Commissioner of Police pursuant to section 139A of the Act.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2010-11, from the Chief Commissioner of Police pursuant to section 42BI of the Act.

Parliamentary Committees Act 2003 —

Government Response to the Public Accounts and Estimates Committee's Report on the 2011-12 Budget Estimates – Part Three.

Government Response to the Scrutiny of Acts and Regulations Committee's Report on the Review of the Charter of Human Rights and Responsibilities Act 2006.

- 4 **ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE** — Mr Barber moved, by leave, That Ms Hartland be a participating member of the Economy and Infrastructure Legislation Committee.

Debate ensued.

Question — put and agreed to.

- 5 **ECONOMY AND INFRASTRUCTURE LEGISLATION AND REFERENCES COMMITTEES** — Mr Lenders moved, by leave, That Mr Leane be a participating member of the Economy and Infrastructure Legislation and References Committees.

Debate ensued.

Question — put and agreed to.

- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 7 **PRODUCTION OF DOCUMENTS — PORTS AND ENVIRONS ADVISORY COMMITTEE REPORT** — Mr Tee moved, That this House requires the Minister for Planning to table in the Legislative Council by 12 noon on Tuesday, 27 March 2012 a copy of the Ports and Environs Advisory Committee Report that, according to the Department of Planning and Community Development website, was submitted on 1 November 2010.

Debate ensued.

Question — put and agreed to.

- 8 PRODUCTION OF DOCUMENTS — WILDLIFE PERMITS** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 17 April 2012 a copy of all authority to control wildlife permits issued by the Department of Sustainability and Environment in 2011.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MINISTER FOR EMPLOYMENT AND INDUSTRIAL RELATIONS PORTFOLIO RESPONSIBILITIES** — Mr Dalla-Riva having given answers to a question without notice and supplementary question relating to the portfolio responsibilities of the Minister for Employment and Industrial Relations —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 10 MINISTERIAL CODE OF CONDUCT** — Mr Pakula moved, That —

- (1) the Privileges Committee have the power to confer with the Privileges Committee of the Legislative Assembly regarding a draft Code of Conduct for Ministers, ministerial staff and Parliamentary Secretaries and to report jointly to the House; and
- (2) if the Assembly Privileges Committee declines to meet jointly, the Privileges Committee be required to meet as often as is necessary to draft a Code of Conduct and present it to the House for consideration and approval.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

- 11 AUSTRALIAN GRAND PRIX CORPORATION DOCUMENTS** — Ms Pennicuik moved, That this House take note of the letter from the Minister for Tourism and Major Events, dated 6 February 2012, and related documents relating to the Australian Grand Prix Corporation tabled in this House on 30 June 2011.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 13 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.59 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 61 — Thursday, 15 March 2012

- 1 The President took the Chair and read the Prayer.

- 2 **PAPERS** —

**CHILDREN'S COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2010-11.

The Report was presented by Mr Dalla-Riva and 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 upon the Table by the Clerk:

Budget Sector — 2011-12 Mid-Year Financial Report, incorporating Quarterly Financial Report No. 2 for the period ended 31 December 2011.

Gambling Regulation Act 2003 — Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

Office of the Victorian Privacy Commissioner — Report of an Investigation into Goulburn-Murray Rural Water Corporation and the Northern Victorian Irrigation Renewal Project under Part 6 of the Information Privacy Act 2000, February 2012.

A Statutory Rule under the Gambling Regulation Act 2003 — No. 18.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 13.

- 3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 27 March 2012.

Question — put and agreed to.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 6 **BUILDING AMENDMENT BILL 2012** — 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.

**7 CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012** — 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.

**8 CARERS RECOGNITION BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**10 CARERS RECOGNITION BILL 2012** — 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 D.M. Davis moved, by leave, That the Bill be read a third time and do pass.

Debate ensued.

Question — put and agreed to.

Bill 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.

**11 CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Control of Weapons and Firearms Acts Amendment Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 17 April 2012.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall

Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain midwives to possess, use, sell and supply certain drugs in the course of midwifery practice and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Jennings), the debate was adjourned for one week.

- 13 WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal provisions relating to the licensing system in the Water Industry Act 1994 and to make consequential and other amendments to that Act, to provide for metropolitan water corporations under the Water Act 1989 and to make consequential and other amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Lenders), the debate was adjourned for one week.

- 14 AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — The President read a message from the Assembly presenting *A Bill for an Act to re-enact with amendments laws relating to fair trading and consumer protection, to regulate certain businesses, to repeal the*

*Fair Trading Act 1999, the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958 and the Landlord and Tenant Act 1958, to make related and consequential amendments to other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Wills Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 16 LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Act 2004 in relation to pro bono legal services, disciplinary complaints and investigations, professional indemnity insurance, the reporting requirements and payment powers of the Legal Services Board and to amend the Public Notaries Act 2001 in relation to eligibility for appointment as a public notary and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 17 CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011** — 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.

- 18 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.42 p.m., adjourned until Tuesday, 27 March 2012.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 59, 60 and 61

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Tuesday, 13 March 2012

### 1 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Pennicuik moved —

1. Clause 3, after line 9, insert—

"**applicable code of conduct** means, in relation to—

- (a) a responsible Minister of the Crown, a Ministerial code of conduct prescribed or adopted for the purposes of this definition or otherwise applying to a Minister of the Crown;
- (b) a member of the Legislative Assembly or the Legislative Council, including a Minister of the Crown, a code of conduct prescribed or adopted for the purposes of this definition or otherwise applying to a member of the Legislative Assembly or the Legislative Council;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmara (*Teller*)  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Clause 3 — Consideration of Clause 3 postponed.

Clause 4 — Ms Pennicuik moved —

5. Clause 4, page 14, line 28, after "which" insert "does not meet the standard of conduct the community reasonably expects of a member of police personnel or".

Question — That the amendment be agreed to — put and negated.

Clause 4 — put and agreed to.

**Clauses 5 and 6** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

9. Insert the following new clause to follow clause 6—

**'A New sections 9A and 9B inserted**

After section 9 of the **Independent Broad-based Anti-corruption Act 2011** insert—

**"9A Public interest is paramount**

In the exercise of its functions, the IBAC must regard the protection of the public interest and the prevention of breaches of the public trust as its paramount concerns.

**9B Serious corrupt conduct and systemic corrupt conduct**

In the exercise of its functions, the IBAC, as far as is practicable—

- (a) is to direct its attention to serious corrupt conduct and systemic corrupt conduct; and
- (b) is to take into account the responsibility and role of any other public authorities or any public officials have in the prevention of corrupt conduct."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos ( <i>Teller</i> )	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik ( <i>Teller</i> )	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

**Clauses 7 and 8** — put and agreed to.

**Clause 9** — Debate commenced.

*Committee interrupted at 10.00 p.m. pursuant to Sessional Orders.*

Committee resumed.

Ms Pennicuik moved —

10. Clause 9, page 31, line 4 omit "(1) Subject to subsection (2), the" and insert "The".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote

Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula ( <i>Teller</i> )	Mr Hall ( <i>Teller</i> )
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 17** — put and agreed to.

**Postponed Clause 3** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 15 March 2012

### 1 CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Question — That Clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza (*Teller*)  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Ms Lovell  
 Ms Mikakos  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 6** — put and agreed to.

**Clause 7** — Consideration of Clause 7 postponed.

**Clauses 8 and 9** — put and agreed to.

**Postponed Clause 7** — Ms Pennicuik moved —.

1. Clause 7, lines 3 to 6, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 3</p> <p>Mr Barber (<i>Teller</i>)            Ms Hartland            Ms Pennicuik (<i>Teller</i>)</p>	<p>NOES, 37</p> <p>Mr Atkinson            Ms Broad            Mrs Coote            Ms Crozier            Mr Dalla-Riva            Ms Darveniza            Mr D.M. Davis            Mr P.R. Davis            Mr Drum            Mr Eideh            Mr Elasmar            Mr Elsbury (<i>Teller</i>)            Mr Finn            Mr Guy            Mr Hall            Mr Jennings            Mr Koch            Mrs Kronberg            Mr Leane (<i>Teller</i>)            Mr Lenders            Ms Lovell            Ms Mikakos            Mr O'Brien            Mr O'Donohue            Mr Ondarchie</p>
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Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Amendment negatived.

Clause 7 — put and agreed to.

**Clause 10** — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich (*Teller*)  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Question agreed to.

**Clauses 11 to 13** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 62, 63 and 64

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#### No. 62 — Tuesday, 27 March 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 20 March 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Building Amendment Act 2012*

*Carers Recognition Act 2012*

*City of Melbourne Amendment (Environmental Upgrade Agreements) Act 2012*

*Control of Weapons and Firearms Acts Amendment Act 2012*

*Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Act 2012.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 4 **PAPERS** —

#### **VICTORIAN GOVERNMENT RESPONSE TO THE CLIMATE CHANGE ACT REVIEW** —

Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Victorian Government response to the Climate Change Act Review, March 2012.

Question — put and agreed to.

The Report was presented by Mr D.M. Davis and ordered to lie on the Table.

On the motion of Mr Barber, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

#### **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**STATUTE LAW REVISION BILL 2012** — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2012 (including an Appendix).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**STATUTE LAW REPEALS BILL 2012** — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Repeals Bill 2012 (including Appendices).

Ordered to lie on the Table and to be printed.

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**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 5 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Australian Crime Commission — Report, 2010-11.

Climate Change Act 2010 —

Report on Climate Change and Greenhouse Gas Emissions in Victoria pursuant to section 17 of the Act.

Review of the Climate Change Act 2010, pursuant to section 19 of the Act, December 2011.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2012.

Crown Land (Reserves) Act 1978 — Minister's Order of 9 March 2012 giving approval to the granting of a licence at Maldon Historic Area.

Gambling Regulation Act 2003 — Fixed Term Ban Order of 14 March 2012 under section 2.5A.9 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 6.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2011.

Municipal Association of Victoria Insurance — Report, 2010-11.

National Environment Protection Council — Report, 2010-11.

Office of Police Integrity — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2010-11.

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

Brimbank Planning Scheme — Amendments C93 and C138.

Glenelg Planning Scheme — Amendment C65.

Greater Bendigo Planning Scheme — Amendments C109, C120, C137 and C150.

Greater Shepparton Planning Scheme — Amendment C136 Part 1.

Loddon Planning Scheme — Amendment C27.

Melton Planning Scheme — Amendment C118.

Mount Alexander Planning Scheme — Amendment C45.

Moyne Planning Scheme — Amendment C42.

Surf Coast Planning Scheme — Amendment C72.

Swan Hill Planning Scheme — Amendment C33.

Wyndham Planning Scheme — Amendment C158.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Accepted Farming Practice for the Welfare of Pigs (Revision 2).

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2010-11.

A Statutory Rule under the Legal Profession Act 2004 — No. 19.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 14, 18 and 19.

Legislative Instrument and related documents under section 16B in respect of a Contaminated Stock Order of 20 March 2012 made under section 48 of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2010-11.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Resources Legislation Amendment Act 2011 — except for Parts 3 and 6 — 20 March 2012 (*Gazette No. S91, 20 March 2012*).

**5 PRODUCTION OF DOCUMENTS — PORTS AND ENVIRONS ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter from the Minister for Planning dated 27 March 2012 in response to the Resolution of the Council of 14 March 2012 seeking the production of a document relating to the Ports and Environs Advisory Committee —

- advising that the Government is in the process of responding to the resolution; and
- indicating that the Government would respond to the Council's resolution as soon as possible.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 28 March 2012:

- (1) Notice of Motion No. 237 standing in name of Mr Lenders relating to the banning of 'Dorothy Dix' questions;
- (2) Notice of Motion No. 257 standing in the name of Mr Barber to introduce the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012;
- (3) the Notice of Motion given this day by Ms Hartland to revoke Amendment C125 to the Greater Dandenong Planning Scheme;
- (4) Order of the Day No. 15, consideration of Minister's answer to a question without notice relating to WorkCover Premiums;
- (5) Notice of Motion No. 251 standing in the name of Mr Barber relating to the provision of the 2012 Network Revenue Protection Plan;
- (6) Notice of Motion No. 216 standing in the name of Ms Mikakos relating to funding for the Take a Break Occasional Childcare Program; and
- (7) Notice of Motion No. 286 standing in the name of Ms Pennicuik relating to the provision of the 'Comperio' report.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012** — 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.

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

**11 WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Hall moved, That the Wills Amendment (International Wills) Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 20 June 2012, and in particular, to examine the practical benefits to Victorians of having a simplified process of recognition of international Wills in Victoria, noting the large number of Victorians either born overseas or who have family residing overseas.

Debate ensued.

Question — put and agreed to.

**12 JOINT SITTING — VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BOARD** — The Acting President read —

- (a) a letter from the Minister for Gaming dated 21 March 2012 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; and

- (b) a Message from the Assembly informing the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 28 March 2012 at 6.15 pm, and desiring the agreement of the Council.

Ordered — That the Assembly's Message be now taken into consideration.

Mr Hall moved, by leave, That the Council meet the Legislative Assembly for the purpose of sitting and voting together to elect three Members for appointment to the Board of the Victorian Responsible Gambling Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 28 March 2012 at 6.15 pm.

Question — put and agreed to.

Message sent to the Assembly informing them therewith.

- 13 PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal the Port Bellarine Tourist Resort Act 1981, to terminate the Agreement ratified by that Act and to terminate a Crown lease granted under that Act, and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned until the next day of meeting.

- 14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.29 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 63 — Wednesday, 28 March 2012

- 1 The President took the Chair and read the Prayer.

- 2 **BUSINESS OF THE HOUSE** — Mr Koch moved, by leave, That Statements on Reports and Papers be taken at 5.15 p.m. this day.

Debate ensued.

Question — put and agreed to.

- 3 **PAPERS** —

**COMMUNITY VISITORS ANNUAL REPORT, 2010-11** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Victorian Government response to the Community Visitors Annual Report, 2010-11.

Question — put and agreed to.

The Report was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

**ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS** — Mrs Petrovich presented a Report from the Law Reform Committee on Access by Donor-conceived People to Information about Donors (including Appendices) and Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Petrovich moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Access to Public Housing, March 2012.

Ombudsman — Report on the Investigation into Conflict of interest, poor governance and bullying at the City of Glen Eira Council, March 2012.

Special Investigations Monitor's Office — Report for the period 1 July to 31 December 2011, pursuant to section 30Q of the Surveillance Devices Act 1999.

A Statutory Rule under the Confiscation Act 1997 — No. 20.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 "DOROTHY DIX" QUESTIONS** — Mr Lenders moved, That this House —

- (1) notes that during the 2010 Leaders Election Debate, when the current Premier was asked about Parliamentary standards by then ABC journalist Josephine Cafagna, he replied that under his administration "Dorothy Dix" questions would be banned;
- (2) notes that no changes have been proposed to the Standing Orders of either House to end questions to Ministers from Government Members;
- (3) notes that in the Legislative Council on 6 December 2011, the Government Whip, Mr David Koch, asked a "Dorothy Dix" question of a Minister sitting next to him that invited her to praise him and the Government despite the Premier's pledge to abolish the practice; and
- (4) calls on Government Members in the Council to honour the spirit and letter of the Premier's election commitment made to Josephine Cafagna and the Victorian people in November 2010.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 "DOROTHY DIX" QUESTIONS** — Debate continued on the question, That this House —

- (1) notes that during the 2010 Leaders Election Debate, when the current Premier was asked about Parliamentary standards by then ABC journalist Josephine Cafagna, he replied that under his administration "Dorothy Dix" questions would be banned;
- (2) notes that no changes have been proposed to the Standing Orders of either House to end questions to Ministers from Government Members;
- (3) notes that in the Legislative Council on 6 December 2011, the Government Whip, Mr David Koch, asked a "Dorothy Dix" question of a Minister sitting next to him that invited her to praise him and the Government despite the Premier's pledge to abolish the practice; and
- (4) calls on Government Members in the Council to honour the spirit and letter of the Premier's election commitment made to Josephine Cafagna and the Victorian people in November 2010.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

NOES, 20

Mr Barber

Mr Atkinson

Ms Broad (*Teller*)

Mrs Coote

Mr Eideh

Ms Crozier

Mr Elasmarr

Mr Dalla-Riva

Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall ( <i>Teller</i> )
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

**8 PRODUCTION OF DOCUMENTS — NEW STREET, BRIGHTON RAILWAY CROSSING —**

The Clerk laid on the Table a letter from the Minister for Public Transport dated 25 March 2012 in response to the Resolution of the Council of 26 October 2011 seeking the production of documents relating to the railway crossing at New Street, Brighton, advising that the matter is still under consideration and that the Government's response to the Order will be forwarded as soon as that process is completed.

On the motion of Ms Pennicuik, the letter was ordered to be taken into consideration on the next day of meeting.

**9 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (FARES) BILL 2012**

— Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

Mr Barber moved, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned for two weeks.

**10 GREATER DANDENONG PLANNING SCHEME — AMENDMENT C125 —** Ms Hartland moved, That Amendment C125 to the Greater Dandenong Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 36
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik ( <i>Teller</i> )	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury
	Mr Finn
	Mr Guy

Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

- 11 WORKCOVER PREMIUMS** — Mr Lenders moved, That this House takes note of the Minister's answer to a question without notice on 1 March 2012 relating to Workcover premiums.

Debate ensued.

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

- 12 NETWORK REVENUE PROTECTION PLAN, 2012** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 17 April 2012, a copy of the Network Revenue Protection Plan for the 2012 calendar year, prepared under section 10.1 of the Metlink Services Agreement.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.15 p.m. pursuant to a resolution of the Council this day —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 14 JOINT SITTING — VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BOARD** — The Acting President announced that the time had arrived for the Council to meet the Assembly in the Assembly Chamber to elect three Members for appointment to the Victorian Responsible Gambling Foundation Board.

*Accordingly, the Council then proceeded to the Assembly Chamber, and having returned —*

The President reported that at the Joint Sitting, Mr Tim McCurdy, MP, Mr David Southwick, MP and Mr Ian Trezise, MP were elected to the Board for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.

- 15 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 64 — Thursday, 29 March 2012

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, 2010-11.

Question — put and agreed to.

The Report was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**ORGAN DONATION IN VICTORIA** — Mr Viney presented a Report from the Legal and Social Issues References Committee on Organ Donation in Victoria (including Appendices, Extracts from the Proceedings of the Committee and a minority report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Viney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 14.

3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 17 April 2012.

Question — put and agreed to.

4 **ENVIRONMENT AND PLANNING LEGISLATION AND REFERENCES COMMITTEES** — Mr Lenders moved, by leave, That Mr Leane and Mr Tarlamis be participating members of the Environment and Planning Legislation and References Committees.

Question — put and agreed to.

5 **ECONOMY AND INFRASTRUCTURE LEGISLATION AND REFERENCES COMMITTEES** — Mr Lenders moved, by leave, That Mr Lenders be a participating member of the Economy and Infrastructure Legislation and References Committees.

Question — put and agreed to.

6 **ENVIRONMENT AND PLANNING REFERENCES COMMITTEE** — Ms Tierney moved, by leave, That the Resolution of the Council of 5 April 2011 requiring the Environment and Planning References Committee to inquire into, consider and report on Environmental Design and Public Health in Victoria within 12 months be amended so as to now require the Committee to present its final report by 31 May 2012.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 9 PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — 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 committed to a Committee of the whole.  
House in Committee.  
Bill reported with amendments, 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 with amendments and requesting their agreement.
- 10 WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
An amendment proposed to be moved in Committee by Mr Barber was circulated.  
Debate continued.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**EFFECT OF CARBON TAX ON HOSPITALS' FOOD** — Mr D.M. Davis having given an answer to a question without notice relating to the effect of the Carbon Tax on food in hospitals —  
On the motion of Ms Broad, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 12 WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012** — Debate continued on the question, That the Bill be now read a second time.  
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.
- 13 PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 14 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
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.
- 15 DISABILITY AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 to clarify procedures, address administrative issues and strengthen the rights of persons with disabilities under that Act, to amend the Human Services (Complex Needs) Act 2009 to confer powers and functions on the Secretary to the Department of Human Services, to make consequential*

*amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

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

- 16 ASSOCIATIONS INCORPORATION REFORM BILL 2011** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact the law providing for the incorporation of voluntary associations and the registration of other bodies as incorporated associations and to make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of those associations, to repeal the Associations Incorporation Act 1981 and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985 to enable the Victorian WorkCover Authority to repay capital and pay dividends to the State and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr Rich-Phillips), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 18 VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate with duties, functions and powers in relation to the oversight of the Independent Broad-based Anti-corruption Commission and the monitoring of compliance by a Public Interest Monitor with the prescribed obligations, to consequentially amend the Evidence (Miscellaneous Provisions) Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**19 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.58 p.m., adjourned until Tuesday, 17 April 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 62, 63 and 64

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Thursday, 29 March 2012

### 1 PORT BELLARINE TOURIST RESORT (REPEAL) BILL 2012

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr Guy moved —

1. Clause 5, lines 14 to 17, omit all words and expressions on these lines and insert—
  - (1) The Agreement is terminated.
  - (2) All rights and liabilities of the State and Grawin Pty. Limited arising out of or in connection with the Agreement are extinguished.
  - (3) Without limiting subsection (2), that subsection applies whether or not the Agreement is in force at the commencement of this Act.
  - (4) If the Agreement is not in force at the commencement of this Act, the termination of the Agreement is confirmed."

Question — That the amendment be agreed to — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clause 6** — Mr Guy moved —

2. Clause 6, lines 19 to 22, omit all words and expressions on these lines and insert—
  - (1) The Crown lease is terminated.
  - (2) All rights and liabilities of the State and Grawin Pty. Limited arising out of or in connection with the Crown lease are extinguished.
  - (3) Without limiting subsection (2), that subsection applies whether or not the Crown lease is in force at the commencement of this Act.
  - (4) If the Crown lease is not in force at the commencement of this Act, the termination of the Crown lease is confirmed."

Question — That the amendment be agreed to — put and agreed to.

Clause 6, as amended — put and agreed to.

**Clauses 7 and 8** — put and agreed to.

By leave, clause 8 recommitted.

**Clause 8** — put and agreed to.

**Clause 9** — put and agreed to.

**Clause 10** — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mr Pakula (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Preamble** — put and agreed to.

**Bill reported with amendments.**

## 2 WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012

**Clauses 1 to 44** — put and agreed to.

**Clause 45** — Mr Barber moved —

Clause 45, after line 34 insert—

'( ) After section 281(3) of the **Water Act 1989** insert—

"(3A) Interest is not payable under this section in respect of a fee imposed under a tariff in respect of residential premises.".'. .

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmar	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn

Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr Guy  
Mr Hall  
Mr Koch (*Teller*)  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 45 — put and agreed to.

**Clauses 46 to 96** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 65, 66 and 67

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#### No. 65 — Tuesday, 17 April 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 3 April 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Act 2012*  
*Legal Profession and Public Notaries Amendment Act 2012*  
*Port Bellarine Tourist Resort (Repeal) Act 2012*  
*Water Amendment (Governance and Other Reforms) Act 2012.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —  
**DINGLEY BYPASS** — Mr Tarlamis presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the Government ensures that sound barriers are built, that there are no unnecessary road closures or land acquisitions and that residents are fairly compensated for any land acquisitions in the construction of the Dingley Bypass.  
Ordered to lie on the Table.

\* \* \* \* \*

**HIGHETT STATION** — Mr Tarlamis presented a Petition bearing 166 signatures from certain citizens of Victoria requesting that the Government confirms its commitment to improve services at Highett Station, including a confirmation that the station will not close and that services will not be reduced.

Ordered to lie on the Table.

- 5 **PAPERS** —  
**AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2011 AND MELBOURNE COLLEGE OF DIVINITY REPORT, 2011** — Mr Hall moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2011 and the Melbourne College of Divinity Report, 2011.  
Question — put and agreed to.  
The reports were presented by Mr Hall and ordered to lie on the Table.

\* \* \* \* \*

#### **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**ANNUAL REVIEW 2011** — Mr O'Donohue presented a Report from the Scrutiny of Acts and Regulations Committee Annual Review 2011 (including Appendices).

Ordered to lie on the Table and to be printed.

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 6 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Adult Multicultural Education Services — Report, 2011.

Centre for Adult Education — Report, 2011.

Conservation, Forests and Lands Act 1987 — Code of Practice for Bushfire Management on Public Land.

Crown Land (Reserves) Act 1978 — Minister's Order of 11 April 2012 giving approval to the granting of a lease at Heidelberg Historic Area.

Interpretation of Legislation Act 1994 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 17.

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

Alpine Planning Scheme — Amendment C33.

Ballarat Planning Scheme — Amendment C153.

Bayside Planning Scheme — Amendment C80.

Benalla Planning Scheme — Amendment C22.

Brimbank Planning Scheme — Amendment C151.

Buloke Planning Scheme — Amendment C22.

Campaspe Planning Scheme — Amendment C91.

Cardinia Planning Scheme — Amendment C154.

Central Goldfields Planning Scheme — Amendment C24.

Colac Otway Planning Scheme — Amendment C66.

Darebin Planning Scheme — Amendment C123.

East Gippsland Planning Scheme — Amendment C104.

Ganawarra Planning Scheme — Amendment C31.

Glenelg Planning Scheme — Amendments C34 and C56.

Greater Bendigo Planning Scheme — Amendment C176.

Greater Dandenong Planning Scheme — Amendment C131.

Greater Geelong Planning Scheme — Amendments C204 and C225.

Greater Shepparton Planning Scheme — Amendments C119, C156 and C161.

Hepburn Planning Scheme — Amendment C58.

Hume Planning Scheme — Amendment C122.

Indigo Planning Scheme — Amendment C57.

Latrobe Planning Scheme — Amendments C9, C69 and C70.

Loddon Planning Scheme — Amendment C35.

Macedon Ranges Planning Scheme — Amendments C33 and C85.

Mansfield Planning Scheme — Amendments C24 and C25.

Maribyrnong Planning Scheme — Amendment C104.

Maroondah Planning Scheme — Amendment C84.

Melbourne Planning Scheme — Amendments C191 and C192.

Melton Planning Scheme — Amendment C123.

Mildura Planning Scheme — Amendment C76.

Mitchell Planning Scheme — Amendment C83.

Moira Planning Scheme — Amendment C70.

Monash Planning Scheme — Amendment C98.

Moorabool Planning Scheme — Amendment C63.

Mount Alexander Planning Scheme — Amendment C64.

Murrindindi Planning Scheme — Amendments C29 Part 2, C37 and C40.

Pyrenees Planning Scheme — Amendment C33.

South Gippsland Planning Scheme — Amendment C57.

Strathbogie Planning Scheme — Amendment C61.

Surf Coast Planning Scheme — Amendment C75.

Swan Hill Planning Scheme — Amendment C43.  
 Towong Planning Scheme — Amendment C26.  
 Wangaratta Planning Scheme — Amendment C40.  
 Warrnambool Planning Scheme — Amendment C69.  
 Whitehorse Planning Scheme — Amendment C113.  
 Whittlesea Planning Scheme — Amendment C160.  
 Wodonga Planning Scheme — Amendment C95.  
 Yarra Planning Scheme — Amendment C104.  
 Yarra Ranges Planning Scheme — Amendment C102.

Statutory Rules under the following Acts of Parliament:

Infringements Act 2006 — No. 23.  
 Road Safety Act 1986 — Nos. 24 and 25.  
 Transport Integration Act 2010 — No. 21.  
 Transport (Compliance and Miscellaneous) Act 1983 — No. 22.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 21 to 25.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Direction to Boards of TAFE Institutes — Non-Acquisition of Interests in Private Providers made under the Education and Training Reform Act 2006.

Ministerial Order of 29 March 2012 made under the Education and Training Reform Act 2006 extending review period for Orders in Council constituting TAFE institute boards.

\* \* \* \* \*

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

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Section 5(4) to (6), remaining provisions of Division 2 of Part 4, Schedule 1 (except for paragraph (b) of item 13.1 and item 13.6) and 2 — 2 April 2012 (*Gazette No. S101, 27 March 2012*).

Victorian Responsible Gambling Foundation Act 2011 — except for section 6, Divisions 4 and 5 of Part 2 and Part 3 — 27 March 2012 (*Gazette No. S101, 27 March 2012*).

**6 RIGHT OF REPLY** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Mr Geoff Leigh, former Chairperson, Business First to statements made in the Council by Mr Tee on 31 August 2011.

Ordered to lie on the Table and to be printed.

**7 PRODUCTION OF DOCUMENTS — WILDLIFE PERMITS** — The Clerk laid on the Table a letter from the Minister for Environment and Climate Change, dated 17 April 2012, in response to the Resolution of the Council of 14 March 2012 seeking the production of all authority to control wildlife permits issued by the Department of Sustainability and Environment in 2011 —

- advising that the Government is in the process of responding to this resolution; and
- indicating that the Government regrets not being able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

On the motion of Mr Barber, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 18 April 2012:

- (1) the Notice of Motion given this day by Ms Pulford in relation to the 2012-13 Budget spending;
- (2) Notice of Motion No. 296 standing in the name of Ms Hartland relating to dental health;
- (3) Notice of Motion No. 242 standing in the name of Ms Broad relating to education funding and Ouyen P-12 College;

- (4) Notice of Motion No. 247 standing in the name of Mr Barber relating to the tabling of certain documents in relation to the Large-Scale Integrated Drying Gasification and Combined Cycle Demonstration Project; and
- (5) Notice of Motion No. 227 standing in the name of Mr Barber relating to feed-in tariffs.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**11 ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012** — 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, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis ( <i>Teller</i> )
Mr Ondarchie ( <i>Teller</i> )	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question 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.

Mr Rich-Phillips 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, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane ( <i>Teller</i> )
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos

Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich ( <i>Teller</i> )	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

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.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4, be postponed until later this day.

**13 AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

Mr Guy made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Pakula, the debate was adjourned for one week.

**14 VICTORIAN INSPECTORATE AMENDMENT BILL 2012** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 17

Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland ( <i>Teller</i> )
Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula ( <i>Teller</i> )
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis

Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips

Ms Tierney  
 Mr Viney

Question agreed to.

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 JUSTICE LEGISLATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000 to improve the operation of those Acts and for other purposes and requesting the agreement of the Council.*

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

- 16 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.06 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 66 — Wednesday, 18 April 2012

- 1 The President took the Chair and read the Prayer.
- 2 **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 Reports on —
    - Casual Relief Teacher Arrangements, April 2012.
    - Freedom of Information, April 2012.
    - Performance Reporting by Local Government, April 2012.
  - Deakin University — Report, 2011.
  - La Trobe University — Report, 2011.
  - Monash University — Report, 2011.
  - Ombudsman — Report on the death of Mr Carl Williams at HM Barwon Prison – investigation into Corrections Victoria, April 2012.
  - Royal Melbourne Institute of Technology — Report, 2011.
  - Swinburne University of Technology — Report, 2011.
  - University of Ballarat — Report, 2011.
  - University of Melbourne — Report, 2011.
  - Victorian Law Reform Commission's Reports on —
    - Guardianship.
    - Sex offenders registration.
  - Victoria University — Report, 2011.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 ELECTION PROMISES IN 2012-13 BUDGET** — Ms Pulford moved, That this House calls on the Baillieu-Ryan Government to use the 2012-13 Budget to —

- (1) deliver on its election promises; and
- (2) create and maintain jobs in Victoria.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**OCCUPATIONAL HEALTH AND SAFETY SYSTEM** — Mr Rich-Phillips having given an answer to a question without notice relating to the Occupational Health and Safety System —

On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**6 ELECTION PROMISES IN 2012-13 BUDGET** — Debate continued on the question, That this House calls on the Baillieu-Ryan Government to use the 2012-13 Budget to —

- (1) deliver on its election promises; and
- (2) create and maintain jobs in Victoria.

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

**7 DENTAL HEALTH** — Ms Hartland moved, That this House —

- (1) notes the terrible state of dental health in Victoria;
- (2) recognises that oral health should be an integrated part of the national health system; and
- (3) calls on the Federal Government to —
  - (a) accept the recommendations of the National Advisory Council on Dental Health and make a significant investment in State dental programs in the 2012-13 budget; and
  - (b) make this the first step towards universal Commonwealth-funded dental care for all Australians.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders ( <i>Teller</i> )	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall ( <i>Teller</i> )
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**8 EDUCATION BUDGET** — Ms Broad moved, That this House —

- (1) notes that the Baillieu-Ryan Government has —
  - (a) cut \$481 million from the education budget and halved the capital works budget for education;
  - (b) cut \$48 million from the Victorian Certificate of Applied Learning;
  - (c) refused to honour their promise to make Victorian teachers the highest paid in Australia; and
  - (d) failed to replace the former Labor Government's plan to rebuild, renovate or refurbish every government school by 2016-17 with any plan at all;
- (2) calls on the Government to recognise that —
  - (a) the Ouyen Community agreed to merge their primary and secondary schools to form a P-12 college on one campus with new buildings to support better teaching and learning in the belief that a commitment by the Government of the day was something they could rely on in accordance with long standing conventions;
  - (b) Stage 1 funded by the former Labor Government is due to be completed by February 2012;
  - (c) unless the second and final stage is funded the community will be left with a new campus separated by the Sunraysia Highway and a railway line from an old campus, which consists of substandard buildings riddled with white ants, leaving the Principal, students and staff to travel between campuses; and
  - (d) the College Council is extremely concerned that it is only a matter of time before someone is badly injured or worse, and feel they have been abandoned by the Government; and
- (3) urges the Baillieu-Ryan Government to fund Stage 2 of Ouyen P-12 College in the 2012-13 Budget.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.

**9 PRODUCTION OF DOCUMENTS — LARGE-SCALE INTEGRATED DRYING GASIFICATION AND COMBINED CYCLE DEMONSTRATION PROJECT** — Mr Barber

moved, That there be laid before this House a copy of the —

- (a) Agreement between State of Victoria and HRL Developments (IDGCC) Pty Ltd for Victorian Government funding for the Large-Scale Integrated Drying Gasification and Combined Cycle Demonstration Project; and
- (b) Deed of Amendment to the Large-Scale Integrated Drying Gasification and Combined Cycle Demonstration Project Funding Agreement.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier ( <i>Teller</i> )
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Hartland ( <i>Teller</i> )	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Ms Lovell

Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

**11 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.03 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 67 — Thursday, 19 April 2012

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**PUBLIC ACCOUTS AND ESTIMATES COMMITTEE — FINANCIAL AND PERFORMANCE OUTCOMES, 2009-10 AND 2010-11** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2009-10 and 2010-11 Financial and Performance Outcomes (including Appendices, a Minority Report and Extracts from the Proceedings of the Committee).

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Bendigo Regional Institute of TAFE — Report, 2011.  
Box Hill Institute of TAFE — Report, 2011.  
Central Gippsland Institute of TAFE — Report, 2011.  
Chisholm Institute of TAFE — Report, 2011.  
Driver Education Centre of Australia Ltd — Report, 2011.  
East Gippsland Institute of TAFE — Report, 2011.  
Gordon Institute of TAFE — Report, 2011.  
Goulburn Ovens Institute of TAFE — Report, 2011.  
Holmesglen Institute of TAFE — Report, 2011.  
Kangan Institute of TAFE — Report, 2011.  
Northern Melbourne Institute of TAFE — Report, 2011.  
South West Institute of TAFE — Report, 2011.  
Sunraysia Institute of TAFE — Report, 2011.  
William Angliss Institute of TAFE — Report, 2011.  
Wodonga Institute of TAFE — Report, 2011.

**3 PRODUCTION OF DOCUMENTS — NETWORK REVENUE PROTECTION PLAN** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 17 April 2012, in response to the Resolution of the Council of 28 March 2012 seeking the production of the Network Revenue Protection Plan 2012 —

- advising that the Government is still in the process of responding to this resolution and liaising with the affected third parties; and
- indicating that the Government regrets not being able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

On the motion of Mr Barber, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

**4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 1 May 2012.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**7 JUSTICE LEGISLATION AMENDMENT BILL 2012** — Mr D.M. Davis (for Mr Dalla-Riva) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**8 ASSOCIATIONS INCORPORATION REFORM BILL 2011** — 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, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien (*Teller*)

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Associations Incorporation Reform Bill 2011 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report, by 24 May 2012.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**EFFECT OF CARBON TAX ON AGED CARE** — Mr D.M. Davis having given an answer to a question without notice relating to the effect of the carbon tax on aged care —

On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**10 ASSOCIATIONS INCORPORATION REFORM BILL 2011** — Debate resumed on the question, That the Bill be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report, by 24 May 2012.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis ( <i>Teller</i> )
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich

Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Guy moved, That the Bill be read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza (*Teller*)

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmr (*Teller*)

Mr P.R. Davis

Mr Jennings

Mr Drum (*Teller*)

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Pakula

Mr Koch

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie

Mr Tee

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay (*Teller*)

Mr Rich-Phillips

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.

- 11 HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal the Health Professions Registration Act 2005, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

- 12 LAND (REVOCATION OF RESERVATIONS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to revoke certain reservations of land and related Crown grants in relation to two of those parcels of land and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

- 13 ROYAL WOMEN'S HOSPITAL LAND BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to revoke a reservation over land previously occupied by the Royal Women's Hospital and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

- 14 DISABILITY AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Drum, the debate was adjourned for one week.

- 15 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 5.12 p.m., adjourned until Tuesday, 1 May 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 65, 66 and 67

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Tuesday, 17 April 2012

**1 ACCIDENT COMPENSATION AMENDMENT (REPAYMENTS AND DIVIDENDS) BILL 2012**

**Clauses 1 to 5** — put and agreed to.

**Bill reported without amendment.**

**2 VICTORIAN INSPECTORATE AMENDMENT BILL 2012**

**Clauses 1 to 11** — put and agreed to.

**Clause 12** — Debate commenced.

*Committee interrupted at 10.00 p.m. pursuant to Sessional Orders.*

Committee resumed.

Question — That Clause 12 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 34

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury (*Teller*)

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos (*Teller*)

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay  
 Mr Rich-Phillips  
 Mr Somyurek  
 Mr Tarlamis  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clauses 13 to 23** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 19 April 2012

### 1 ASSOCIATIONS INCORPORATION REFORM BILL 2011

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr Pakula moved —

1. Clause 5, after line 12 insert—

- "( ) If the association approves the adoption of the model rules as the rules of the proposed incorporated association, a majority of members must also approve—
- (a) the name of the proposed incorporated association; and
  - (b) the purposes of the proposed incorporated association."

Question — That the amendment be agreed to — put and negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 13** — put and agreed to.

**Clause 14** — Mr Pakula moved —

4. Clause 14, after line 9 insert—

- "(4) The certificate of registration must state—
- (a) the name of the registrable body immediately before it was registered as an incorporated association under this Act; and
  - (b) the name of the Act under which the incorporated association was previously registered as a registrable body."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmara (*Teller*)  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue

Mr Tee  
Ms Tierney  
Mr Viney

Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 14 — put and agreed to.

**Clauses 15 and 16** — put and agreed to.

**Clause 17** — Consideration of Clause 17 postponed.

**Clause 18** — put and agreed to.

**Clause 19** — Mr Pakula moved —

6. Clause 19, page 22, after line 6 insert—

"(3) If—

- (a) the Registrar decides to register the proposed amalgamated association; and
- (b) by special resolution referred to in section 17(1), the associations have specified a date on which the amalgamation is to take effect—

the Registrar must register the amalgamated association with effect from that date."

Question — That the amendment be agreed to — put and negatived.

Clause 19 — put and agreed to.

**Clause 20** — Mr Pakula moved —

7. Clause 20, after line 20 insert—

"(4) The certificate of registration must state the names of the incorporated associations that have amalgamated."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 20 — put and agreed to.

**Clauses 21 to 47** — put and agreed to.

**Clause 48** — Mr Pakula moved —

8. Clause 48, lines 8 and 9, omit all words and expressions on these lines and insert—  
 "approved without modification as the rules of the incorporated association—  
 (i) its registered name; and  
 (ii) the purposes stated in its application for incorporation; and  
 (iii) the model rules."

Question — That the amendment be agreed to — put and negatived.

Clause 48 — put and agreed to.

**Clauses 49 to 58** — put and agreed to.

**Clause 59** — Consideration of Clause 59 postponed.

**Clause 60** — Mr Pakula moved —

9. Clause 60, line 8, after "meeting" insert "(and, if the meeting is to be held using technology, a description of the technology)".
10. Clause 60, lines 10 to 13, omit all words and expressions on these lines and insert—  
 "(b) if the rules of the association permit voting by proxy—  
 (i) has been given notice of how the member may appoint a proxy; and  
 (ii) has been given a copy of any form required by the rules of the association for appointing a proxy with the notice."

Question — That amendment No. 9 be agreed to — put and negatived.

Question — That amendment No. 10 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch ( <i>Teller</i> )
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips ( <i>Teller</i> )

Amendment negatived.

Clause 60 — put and agreed to.

**Clauses 61 to 79** — put and agreed to.

**Clause 80** — Mr Pakula moved —

11. Clause 80, line 16, after "next" insert "annual".

Amendment withdrawn.

Clause 80 — put and agreed to.

**Clauses 81 to 221** — put and agreed to.

**Clause 222** — Mr Pakula moved —

12. Clause 222, page 175, line 9, after "matter" insert "other than the name, the purposes and the financial year of the association".

Question — That the amendment be agreed to — put and negatived.

Clause 222 — put and agreed to.

**Clauses 223 to 228** — put and agreed to.

**Postponed Clause 17** — put and agreed to.

**Postponed Clause 59** — put and agreed to.

**Schedules 1 to 5** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 68, 69 and 70

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#### No. 68 — Tuesday, 1 May 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from —  
The Governor informing the Council that he had, on 24 April 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:  
*Accident Compensation Amendment (Repayments and Dividends) Act 2012*  
*Victorian Inspectorate Amendment Act 2012.*  
The Governor informing the Council that he had, on 1 May 2012, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:  
*Associations Incorporation Reform Act 2012.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**PERFORMANCE PAY FOR TEACHERS** — Mr Hall having given an answer to a question without notice relating to performance pay for teachers —  
On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — RECREATIONAL DUCK SHOOTING** — Ms Pennicuik presented a Petition bearing 706 signatures from certain citizens of Victoria requesting the Legislative Council follow the Governments of Western Australia, New South Wales and Queensland and permanently ban the recreational shooting of Australian native waterbirds in Victoria.  
Ordered to lie on the Table.  
On the motion of Ms Pennicuik, the petition was ordered to be taken into consideration on the next day of meeting.
- 5 **EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — Mr Hall, by leave without notice, introduced a *Bill for an Act to amend the Education and Training Reform Act 2006 and various University Acts and for other purposes.*  
On the motion of Mr Hall, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr O'Donohue presented Alert Digest No. 7 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

**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 4 April 2012 giving approval to the granting of a lease at Mount Martha Public Park Reserve.

Minister's Order of 11 April 2012 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 11 April 2012 giving approval to the granting of a licence at Phillip Island Nature Park.

Minister's Order of 17 April 2012 giving approval to the granting of licences at Sandringham Beach Park Reserve.

Gambling Regulation Act 2003 — Amendment to the Keno Licence pursuant to section 6A.3.23 of the Act.

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

Ballarat Planning Scheme — Amendment C104.

Banyule Planning Scheme — Amendment C78.

Benalla Planning Scheme — Amendment C5.

Boroondara Planning Scheme — Amendment C170.

Cardinia Planning Scheme — Amendment C163.

Darebin Planning Scheme — Amendment C87.

Knox Planning Scheme — Amendment C116.

Melbourne Planning Scheme — Amendment C168.

Monash Planning Scheme — Amendments C66 and C88.

Moyne Planning Scheme — Amendment C47.

A Statutory Rule under the Road Safety Act 1986 — No. 26.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 20 and 26.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 2 May 2012:

- (1) Notice of Motion No. 321 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee;
- (2) the Notice of Motion given this day by Mr Barber relating to privacy issues in relation to the use of Goulburn-Murray Water's customer database;
- (3) the Notice of Motion given this day by Mr Barber relating to the production of certain documents in relation to the Goulburn-Murray Irrigation District Update;
- (4) Notice of Motion No. 333 standing in the name of Mr Tee relating to the production of the Ports and Environs Advisory Committee Report;
- (5) the Notice of Motion given this day by Ms Pennicuik relating to the production of documents in relation to the Independent Broad-based Anti-Corruption Commission Consultation Panel; and
- (6) Notice of Motion No. 332 standing in the name of Mr Lenders relating to a report on the financial impacts of the Federal Government's Clean Energy legislation.

Question — put and agreed to.

**8 COGNATE DEBATE** — Ms Pennicuik (for Mr Barber) moved, by leave, That this House authorises the President to permit the Notices of Motion given this day, relating to the production of documents concerning a letter from the Minister for Water regarding the Goulburn-Murray Irrigation District Update and calling on the Privacy Commissioner to investigate any use of Goulburn-Murray Water's customer database, to be moved and debated concurrently.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No.1, be postponed until later this day.
- 11 JUSTICE LEGISLATION AMENDMENT BILL 2012** — 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.
- 12 AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.  
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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 13 CARDINIA PLANNING SCHEME AMENDMENT C146** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C146 be ratified.  
Debate ensued.  
Question — put and agreed to.
- 14 DISABILITY AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Ms Mikakos, the debate was adjourned until the next day of meeting.
- 15 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
And then the Council, at 6.49 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 69 — Wednesday, 2 May 2012

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS** —
- BUDGET PAPERS, 2012-13** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the following —
- (1) 2012-13 Budget Papers —
    - (a) Treasurer's Speech (Budget Paper No. 1);
    - (b) Strategy and Outlook (Budget Paper No. 2);
    - (c) Service Delivery (Budget Paper No. 3);
    - (d) State Capital Program (Budget Paper No. 4);
    - (e) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 5); and
  - (2) 2012-13 Budget Information Papers —
    - (a) 2012-13 Budget Overview;
    - (b) Regional and Rural Victoria (Budget Information Paper No. 1);

- (c) Victorian Families (Budget Information Paper No. 2); and
- (d) Federal Financial Relations (Budget Information Paper No. 3).

Question — put and agreed to.

The papers were presented by Mr Rich-Phillips and ordered to lie on the Table.

Mr Rich-Phillips moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

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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:

Auditor-General's Report on Personal Expense Reimbursement, Travel Expenses and Corporate Credit Cards, May 2012.

Statutory Rules under the following Act of Parliament:

Magistrates' Court Act 1989 — Nos. 27 and 28.

Victorian Electoral Commission — Report to Parliament on the Niddrie District by-election held on 24 March 2012.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — GAS EXPLORATIONS** —

Mr Lenders moved, That, under section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 31 March 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

- (1) investigate the extent of unconventional exploration for gas in Victoria;
- (2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;
- (3) consider the impact of unconventional exploration, including the various extraction methods used on the —
  - (a) natural environment;
  - (b) safety of people working at and/or living near such exploration;
  - (c) health of the wider community; and
  - (d) economy and jobs in Victoria;
- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and
- (5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**6 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — GAS EXPLORATIONS** —

Debate continued on the question, That, under section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 31 March 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

- (1) investigate the extent of unconventional exploration for gas in Victoria;
- (2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;

- (3) consider the impact of unconventional exploration, including the various extraction methods used on the —
  - (a) natural environment;
  - (b) safety of people working at and/or living near such exploration;
  - (c) health of the wider community; and
  - (d) economy and jobs in Victoria;
- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and
- (5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Elsbury
Mr Leane ( <i>Teller</i> )	Mr Finn ( <i>Teller</i> )
Mr Lenders	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

## 7 PRODUCTION OF DOCUMENTS — GOULBURN-MURRAY IRRIGATION DISTRICT UPDATE — Pursuant to the Order of the Council on 1 May 2012 —

- (1) Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 22 May 2012, all correspondence between the Minister for Water, any Government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956.
- (2) Mr Barber moved, That, pursuant to section 63 of the *Information Privacy Act 2000*, this House calls on the Privacy Commissioner to investigate any use of Goulburn-Murray Water's customer database for the purposes of correspondence dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956.

Debate ensued.

Question — That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 22 May 2012, all correspondence between the Minister for Water, any Government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the

Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956 — put and agreed to.

Question — That, pursuant to section 63 of the *Information Privacy Act 2000*, this House calls on the Privacy Commissioner to investigate any use of Goulburn-Murray Water's customer database for the purposes of correspondence dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956 — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

## 8 PRODUCTION OF DOCUMENTS — PORTS AND ENVIRONS ADVISORY COMMITTEE —

Mr Tee moved, That this House —

- (1) notes that the Ports and Environs Advisory Committee report ordered by the Resolution of the Council on 14 March 2012 to be tabled in the Council by 12.00 noon on 27 March 2012, has not been received by the Council;
- (2) notes the letter of 27 March 2012 from the Minister for Planning in response to the Council's resolution;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by 12.00 noon on Tuesday, 22 May 2012 a copy of the Ports and Environs Advisory Committee Report that, according to the Department of Planning and Community Development website, was submitted on 1 November 2010.

Debate ensued.

Question — put and agreed to.

## 9 PRODUCTION OF DOCUMENTS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION CONSULTATION PANEL —

Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Legislative Council by 22 May 2012, the following Independent Broad-based Anti-Corruption Commission Consultation Panel documents:

- (a) any submissions made to the Panel;

- (b) any final briefings and the final report produced by the Panel; and
- (c) any other documents of an information or research nature produced or relied upon by the Consultation Panel.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.53 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 70 — Thursday, 3 May 2012

1 The President took the Chair and read the Prayer.

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

Anti-Cancer Council Victoria — Report, 2011.

Office of Police Integrity — Review of Victoria Police use of ‘stop and search’ powers, May 2012.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria (Revision 1).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 27 and 28.

**3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 22 May 2012.

Question — put and agreed to.

**4 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**6 EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned for two weeks.

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

**8 ROYAL WOMEN’S HOSPITAL LAND BILL 2012** — 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 committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr D.M. Davis 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  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

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

- 9 LAND (REVOCATION OF RESERVATIONS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 LAND (REVOCATION OF RESERVATIONS) BILL 2012** — Debate continued on the question, That the Bill be now read a second time.

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.

- 12 DISABILITY AMENDMENT BILL 2012** — 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 14 BUDGET PAPERS, 2012-13** — Mr Dalla-Riva moved, That the Council take note of the Budget Papers, 2012-13.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until the next day of meeting.

- 15 COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the County Court Act 1958, the Criminal Procedure Act 2009, the Infringements Act 2006, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Justice Legislation Amendment (Infringement Offences) Act 2011, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Sentencing Amendment (Community Correction Reform) Act 2011, the Sex Offenders Registration Act 2004, the Summary Offences Act 1966 and the Supreme Court Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 16 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to make further amendments to the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 18 STATUTE LAW REPEALS BILL 2012** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 19 PROCEDURE COMMITTEE — COUNCIL STANDING COMMITTEES** — Mr D.M. Davis moved, That —

- (1) the Procedure Committee be required to inquire into and report on the capacity of the Standing Committees to continue their investigations into a reference beyond the date that they are required by the Council to present their final report; and
- (2) until the Procedure Committee has presented its report on this matter, the Standing Committees be required to complete all investigations and any other matters related to the reference and present their final report on a reference to the Council by the date specified in the resolution or resolutions referring the matter to the committee for investigation.

Debate ensued.

Mr Viney moved, as an amendment —

At the end of paragraph (2) insert —

“with the exception of the current investigation of the Legal and Social Issues References Committee.”.

Debate ensued.

Mr Barber moved, as an amendment —

In paragraph (1), after “report” (where first occurring) insert “by 5 June 2012”.

Debate ensued.

Question — That the amendment moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

NOES, 19

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Mr Elasmarr (*Teller*)

Ms Crozier

Mr Jennings

Mr D.M. Davis

Ms Hartland

Mr P.R. Davis

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall (*Teller*)

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Somyurek

Mr O'Brien

Mr Tarlamis (*Teller*)

Mr O'Donohue

Mr Tee

Mr Ondarchie

Ms Tierney  
Mr Viney

Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negated.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson  
Mr Barber  
Ms Broad  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)  
Mr Viney

NOES, 18

Mrs Coote  
Ms Crozier (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

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

Question — That —

- (1) the Procedure Committee be required to inquire into and report on the capacity of the Standing Committees to continue their investigations into a reference beyond the date that they are required by the Council to present their final report; and
- (2) until the Procedure Committee has presented its report on this matter, the Standing Committees be required to complete all investigations and any other matters related to the reference and present their final report on a reference to the Council by the date specified in the resolution or resolutions referring the matter to the committee for investigation.

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg (*Teller*)  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie

NOES, 17

Mr Barber  
Ms Broad  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)

Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Ms Tierney  
Mr Viney

Question agreed to.

**20 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.39 p.m., adjourned until Tuesday, 22 May 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 68, 69 and 70

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Tuesday, 1 May 2012

### 1 AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011

**Clauses 1 to 135** — put and agreed to.

**Clause 136** — Ms Pennicuik moved —

1. Clause 136, page 130, lines 2 and 3, omit "any other person or organisation" and insert "a non-profit organisation".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 37

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Mr Viney

Amendment negatived.

Clause 136 — put and agreed to.

**Clauses 137 to 240** — put and agreed to.

**Schedules 1 to 7** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 3 May 2012

### 1 ROYAL WOMEN'S HOSPITAL LAND BILL 2012

**Clause 1** — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders (*Teller*)  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 2 to 7** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

**2 LAND (REVOCATION OF RESERVATIONS) BILL 2012**

**Clauses 1 to 21** — put and agreed to.

**Schedules 1 to 4** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 71, 72 and 73

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#### No. 71 — Tuesday, 22 May 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE FREDERICK JAMES GRANTER** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 14 May 2012, of the late Honourable Frederick James Granter, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the province of Bendigo from 1964 to 1976, the province of Central Highlands from 1976 to 1988, Minister of Water Supply and of Forests from 1973 to 1981 and Minister of Police and Emergency Services from 1981 to 1982.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 2.33 p.m. until 3.37 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 8 May 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Australian Consumer Law and Fair Trading Act 2012*  
*Disability Amendment Act 2012*  
*Justice Legislation Amendment Act 2012*  
*Land (Revocation of Reservations) Act 2012*  
*Royal Women's Hospital Land Act 2012.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PETITIONS** —  
**DINGLEY BYPASS** — Mr Tarlamis presented a Petition bearing 24 signatures from certain citizens of Victoria requesting that the Government ensures that sound barriers are built, that there are no unnecessary road closures or land acquisitions and that residents are fairly compensated for any land acquisitions in the construction of the Dingley Bypass.  
Ordered to lie on the Table.

\* \* \* \* \*

- HIGHETT STATION** — Mr Tarlamis presented a Petition bearing 204 signatures from certain citizens of Victoria requesting that the Government confirms their commitment to improve services at Highett Station, including a confirmation that the station will not close and that services will not be reduced.  
Ordered to lie on the Table.

**6 PAPERS —**

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — GREENFIELDS MINERAL EXPLORATION AND PROJECT DEVELOPMENT IN VICTORIA** — Mrs Peulich presented a Report from the Economic Development and Infrastructure Committee on Greenfields Mineral Exploration and Project Development in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Peulich moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 8 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return, April 2012 and Summary of Variations notified between 8 December 2011 and 21 May 2012.

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

- Ballarat Planning Scheme — Amendment C155.
- Bass Coast Planning Scheme — Amendment C127.
- Baw Baw Planning Scheme — Amendment C81.
- Boroondara Planning Scheme — Amendment C143.
- Campaspe Planning Scheme — Amendment C73.
- Glen Eira Planning Scheme — Amendment C91.
- Glenelg Planning Scheme — Amendment C63.
- Greater Dandenong Planning Scheme — Amendment C165.
- Macedon Ranges Planning Scheme — Amendment C86.
- Manningham Planning Scheme — Amendment C83.
- Melbourne Planning Scheme — Amendment C124.
- Mitchell Planning Scheme — Amendment C54.
- Moira Planning Scheme — Amendment C50.
- Murrindindi Planning Scheme — Amendment C39.
- Nillumbik Planning Scheme — Amendment C58 (Part 3).
- Port Phillip Planning Scheme — Amendments C80 and C91.
- South Gippsland Planning Scheme — Amendment C62.
- Stonnington Planning Scheme — Amendment C156.
- Warrnambool Planning Scheme — Amendment C72.
- Whittlesea Planning Scheme — Amendment C118.
- Wodonga Planning Scheme — Amendment C100.
- Yarra Ranges Planning Scheme — Amendment C121.

State Services Authority — The State of the Public Sector in Victoria, 2010-11.

Statutory Rules under the following Acts of Parliament:

- Accident Towing Services Act 2007 — No. 29.
- Criminal Procedure Act 2009 — County Court Act 1958 — No. 31.
- Local Government Act 1989 — City of Melbourne Act 2001 — No. 30.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 29 and 31.

Legislative Instrument and related documents under section 16B in respect of — Exemption from section 65A(1) of the Road Safety Act 1986 for persons

participating in the Australian National Circle Work Championships at the Pakenham Racecourse.

Water Act 1989 — Abolition of Apsley, Neuarpur and Telopea Downs Groundwater Supply Protection Areas and Kaniva Water Supply Protection Area Order 2012.

\* \* \* \* \*

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

Business Names (Commonwealth Powers) Act 2011 — Parts 1 and 4 — 8 May 2012;

Remaining provisions — 28 May 2012 (*Gazette No. S151, 8 May 2012*).

Control of Weapons and Firearms Acts Amendment Act 2012 — 16 May 2012 (*Gazette No. S157, 15 May 2012*).

Emergency Management Legislation Amendment Act 2011 — Section 3 — 1 May 2012 (*Gazette No. S140, 1 May 2012*).

Emergency Services Legislation Amendment Act 2012 — 1 May 2012 (*Gazette No. S140, 1 May 2012*).

Legal Profession and Public Notaries Amendment Act 2012 — 2 May 2012 (*Gazette No. S140, 1 May 2012*).

## 7 PRODUCTION OF DOCUMENTS —

**NEW STREET BRIGHTON RAILWAY CROSSING** — The Clerk laid on the Table a letter dated 20 May 2012 and certain documents concerning the New Street Brighton Railway Crossing received in accordance with the Resolution of the Council of 26 October 2011.

On the motion of Ms Pennicuik, the Minister's letter and related documents were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PORTS AND ENVIRONS ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter dated 22 May 2012 from the Minister for Planning, together with the Ports and Environs Advisory Committee Report, in accordance with the Resolution of the Council of 14 March 2012 and subsequent resolution of 2 May 2012.

## 8 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 23 May 2012:

- (1) the Notice of Motion given this day by Mr Lenders relating to TAFE funding;
- (2) Order of the Day No. 2, resumption of debate on the second reading of the Members of Parliament (Serious Misconduct) Amendment Bill 2011;
- (3) Notice of Motion No. 324 standing in the name of Ms Mikakos relating to the Baillieu Government's lack of a jobs and infrastructure plan; and
- (4) the Notice of Motion given this day by Ms Hartland relating to the production of documents in relation to the Ministerial taskforce report on options for future provision of dental facilities at the Western Region Community Health Centre.

Question — put and agreed to.

## 9 COGNATE DEBATE — Mr Rich-Phillips moved, by leave, That this House authorises the President to permit the second reading debate on the Statute Law Revision Bill 2012 be taken concurrently with the second reading debate on the Statute Law Repeals Bill 2012.

Question — put and agreed to.

## 10 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

## 11 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

## 12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 19 June 2012.

Debate ensued.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mrs Coote
Ms Broad ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy ( <i>Teller</i> )
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mrs Coote	Mr Barber
Ms Crozier	Ms Broad
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmr ( <i>Teller</i> )
Mr P.R. Davis	Mr Jennings
Mr Drum ( <i>Teller</i> )	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula ( <i>Teller</i> )
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee

Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Ms Tierney  
 Mr Viney

Question agreed to.

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Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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 Deputy President in the Chair.

AYES, 35

NOES, 3

Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

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

- 13 PRODUCTION OF DOCUMENTS — PORTS AND ENVIRONS ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter dated 22 May 2012 from the Minister for Planning, together with additional documentation relating to the Ports and Environs Advisory Committee Report, in accordance with the Resolution of the Council of 14 March 2012 and subsequent resolution of 2 May 2012.

**14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.30 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 72 — Wednesday, 23 May 2012

**1** The President took the Chair and read the Prayer.

**2 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — APPOINTMENT OF PERSON TO CONDUCT FINANCIAL AUDIT OF AUDITOR-GENERAL'S OFFICE** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office (including Appendices) under Section 17 of the *Audit Act 1994*.

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Annual Plan, 2012-13.

Management of Trust Funds in the Justice Portfolio, May 2012.

Payments to Visiting Medical Officers in Rural and Regional Hospitals, May 2012.

Tertiary Education and Other Entities: Results of the 2011 Audits, May 2012.

Statutory Rules under the following Acts of Parliament:

Heritage Act 1995 — No. 34.

Transfer of Land Act 1958 — No. 33.

Victorian Energy Efficiency Target Act 2007 — No. 32.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 TAFE INSTITUTES FUNDING** — Mr Lenders moved, That this House condemns the Baillieu-Ryan Government for slashing funding to Victoria's public TAFE Institutes and notes that this will cause —

(a) cuts to courses;

(b) job losses for staff;

(c) higher fees for some courses;

(d) possible campus closures;

(e) fewer educational opportunities for young people in regional and rural Victoria; and

(f) diminished access to skills development across Victoria, to the detriment of business, community and students alike.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**AGED CARE, GEELONG** — Mr D.M. Davis having given an answer to a question without notice relating to Aged Care Funding —

On the motion of Mr Jennings, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**6 TAFE INSTITUTES FUNDING** — Debate continued on the question, That this House condemns the Baillieu-Ryan Government for slashing funding to Victoria's public TAFE Institutes and notes that this will cause —

- (a) cuts to courses;
- (b) job losses for staff;
- (c) higher fees for some courses;
- (d) possible campus closures;
- (e) fewer educational opportunities for young people in regional and rural Victoria; and
- (f) diminished access to skills development across Victoria, to the detriment of business, community and students alike.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek ( <i>Teller</i> )	Ms Lovell
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee ( <i>Teller</i> )	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

**7 MEMBERS OF PARLIAMENT (SERIOUS MISCONDUCT) AMENDMENT BILL 2011** — Debate resumed on the question, That the Bill be now read a second time.

Mr Pakula moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "so much of the Standing Orders be suspended to enable the contents of the Bill to be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report and that the Bill not be read a second time until the Council has considered the final report of the Committee on the Bill."

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Barber —*

**8 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**9 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.43 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 73 — Thursday, 24 May 2012

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**ENVIRONMENT AND PLANNING REFERENCES COMMITTEE — ENVIRONMENTAL DESIGN AND PUBLIC HEALTH** — Ms Tierney presented a Report from the Environment and Planning References Committee on Environmental Design and Public Health in Victoria (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Tierney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — 2010 VICTORIAN STATE ELECTION** — Mr Finn presented a Report from the Electoral Matters Committee on the conduct of the 2010 State Election and Matters Relating Thereto (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 5 June 2012.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

That pursuant to section 17 of the *Audit Act 1994* —

- (1) Mr Steven Bradby of Lawler Draper Dillion, Chartered Accountants in Melbourne be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2012, 30 June 2013 and 30 June 2014;
- (2) The terms and conditions of appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to section 17 of the of the *Audit Act 1994*, as appended to the relevant Tender Brief in Appendix One of the Public Accounts and Estimates Committee's Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office under section 17 of the *Audit Act 1994* (Parliamentary Paper No 137, Session 2010–12); and
- (3) The level of remuneration for the financial audit be:
  - (a) \$32,600 (plus GST) for audit services for the year ended 30 June 2012;
  - (b) \$34,000 (plus GST) for audit services for the year ended 30 June 2013; and

(c) \$35,000 (plus GST) for audit services for the year ended 30 June 2014.

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr D.M. Davis moved, by leave, That the Council concurs with the Assembly and resolves, That pursuant to section 17 of the *Audit Act 1994* —

- (1) Mr Steven Bradby of Lawler Draper Dillion, Chartered Accountants in Melbourne be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2012, 30 June 2013 and 30 June 2014;
- (2) The terms and conditions of appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to section 17 of the of the *Audit Act 1994*, as appended to the relevant Tender Brief in Appendix One of the Public Accounts and Estimates Committee's Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office under section 17 of the Audit Act 1994 (Parliamentary Paper No 137, Session 2010–12); and
- (3) The level of remuneration for the financial audit be:
  - (a) \$32,600 (plus GST) for audit services for the year ended 30 June 2012;
  - (b) \$34,000 (plus GST) for audit services for the year ended 30 June 2013; and
  - (c) \$35,000 (plus GST) for audit services for the year ended 30 June 2014.

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**7 HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012** — 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.

**8 COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**10 COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012** — Debate continued 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.

**11 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012** — 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 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.

**12 PRODUCTION OF DOCUMENTS — GOULBURN MURRAY IRRIGATION DISTRICT** — The Clerk laid on the Table a letter from the Minister for Water, dated 24 May 2012, in response to the Resolution of the Council of 2 May 2012 seeking the production of documents relating to all correspondence between the Minister for Water, any Government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956 —

- advising that the Government is in the process of responding to this resolution; and
- indicating that the Government regrets not being able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

**13 STATUTE LAW REVISION BILL 2012 AND STATUTE LAW REPEALS BILL 2012** — The concurrent debate resumed on each of the questions, That the Bill be now read a second time.

Question — That the **Statute Law Revision Bill 2012** be now read a second time — put and agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

Question — That the **Statute Law Repeals Bill 2012** be now read a second time — 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.

**14 EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012** — 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, 20

NOES, 17

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Mr Leane

Mr Drum

Mr Lenders

Mr Elsbury

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Somyurek

Mr O'Brien

Mr Tarlamis

Mr O'Donohue

Mr Tee (*Teller*)

Mr Ondarchie (*Teller*)

Ms Tierney (*Teller*)

Mrs Petrovich

Mr Viney

Ms Peulich

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question agreed to.

Bill read a second time.

Mr Hall moved, by leave, 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, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis (*Teller*)  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Ms Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Jennings  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 15 APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2012/2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 16 POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bushfires Royal Commission Implementation Monitor Act 2011 to extend the operation of that Act, to amend the Country Fire Authority Act 1958 as to persons who are able to exercise the powers of the Chief Officer of the Country Fire Authority where an officer of the Country Fire Authority is not present, to amend the Police Regulation Act 1958 as to appointments of Deputy and Assistant Commissioners and as to standards as to grooming and clothing accessories, and to amend the Sale of Land Act 1962 to require a vendor's statement to disclose when land is in a bushfire-prone area and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 17 GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Gambling Regulation Amendment (Licensing) Act 2009, the Casino Control Act 1991 and the Gambling Regulation Further Amendment Act 2009 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 18 MONETARY UNITS AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Monetary Units Act 2004 to provide for the value of a fee unit, the value of a penalty unit and the annual rate for the financial year commencing on 1 July 2012 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 19 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 20 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.41 p.m., adjourned until Tuesday, 5 June 2012.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 71, 72 and 73

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Tuesday, 22 May 2012

### 1 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012

**Clauses 1 to 12** — put and agreed to.

**Clause 13** — Ms Pennicuik moved —

1. Clause 13, page 19, line 15, after "Inspectorate" insert "with the reasons for issuing each confidentiality notice and".

Question — That the amendment be agreed to — put and negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 19** — put and agreed to.

**Clause 20** — Ms Pennicuik moved —

2. Clause 20, page 38, after line 23 insert—  
"( ) When referring a complaint or notification to a person or body specified in subsection (2), the IBAC may recommend—  
(a) what action should be taken by the person or body; and  
(b) the time within which the action should be taken."

Question — That the amendment be agreed to — put and negatived.

Ms Pennicuik moved —

3. Clause 20, page 40, lines 2 to 5, omit all the words and expressions on these lines and insert "The IBAC must not make a referral under this Division to a person or body unless the IBAC has carried out appropriate consultation with the relevant person or body and taken into consideration the views of the person or body before making the referral."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

NOES, 20

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich

Mr Viney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Clause 20 — put and agreed to.

*Committee interrupted at 10.00 p.m. pursuant to Sessional Orders.*

Committee resumed.

**Clause 21** — Ms Pennicuik moved —

4. Clause 21, page 43, lines 13 and 14, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put and negated.

Ms Pennicuik moved —

9. Clause 21, page 49, line 30, omit "issued." and insert "issued;".

Question — That the amendment be agreed to — put and negated.

Ms Pennicuik moved —

11. Clause 21, page 54, after line 36 insert—

"( ) Without limiting section 82B or 82Q, an Australian legal practitioner appointed by the IBAC in accordance with section 30(2) to assist it, or an Australian legal practitioner representing a witness at an examination, with leave of the IBAC, may examine or cross-examine any witness on any matter that the IBAC considers relevant."

Question — That the amendment be agreed to — put and negated.

Ms Pennicuik moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 21, page 70, lines 27 to 31 and page 71, lines 1 to 27, omit all the words and expressions on these lines and insert—

"(1) A witness appearing or about to appear at an examination before the IBAC may apply to the Attorney-General for legal or financial assistance.

(2) The Attorney-General may approve the provision of legal or financial assistance to the applicant if of the opinion that it is appropriate having regard to any one or more of the following—

- (a) the prospect of hardship to the witness if assistance is declined;  
(b) the significance of the evidence that the witness is giving or appears likely to give;  
(c) any other matter relating to the public interest.

(3) On giving the approval, the Attorney-General may authorise provision to the witness of legal or financial assistance determined by the Attorney-General in respect of the appearance by the witness before the IBAC.

(4) For the purposes of subsection (3), the Consolidated Fund is appropriated.

(5) The assistance may be provided unconditionally or subject to any conditions determined by the Attorney-General.

(6) The Attorney-General may delegate one or more of his or her functions under this section to the Secretary to the Department of Justice."

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and negated.

Clause 21 — put and agreed to.

**Clauses 22 to 31** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

Insert the following New Clause to follow clause 31—

**"A New section 112 inserted**

After section 111 of the **Independent Broad-based Anti-corruption Act 2011 insert—**

**'112 Review of Act**

- (1) The Minister must cause to be carried out a review of the operation and effectiveness of this Act as soon as practicable after 3 years from the date that it comes into operation.
- (2) The Minister must cause a copy of a report of the review under subsection (1) to be laid before each House of the Parliament within 4 years after the commencement of this Act.'."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney  
 Mr Viney

NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**Clauses 32 to 36** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 24 May 2012

### 1 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Question — That Clause 7 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell

NOES, 17

Mr Barber (*Teller*)  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek

Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**Clauses 8 to 22** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 74, 75 and 76

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#### No. 74 — Tuesday, 5 June 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE VANCE OAKLEY DICKIE** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 16 May 2012, of the Honourable Vance Oakley 'Pat' Dickie, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the province of Ballarat from 1956 to 1978, Minister of State Development from 1964 to 1965, Minister of Health from 1965 to 1970, Minister for Tourism, Minister of State Development and Minister of Immigration from 1970 to 1972, Minister of Housing from 1972 to 1976 and Minister for Aboriginal Affairs from 1972 to 1975.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 2.16 p.m. until 3.20 p.m.]*
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 29 May 2012, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Assembly:  
*Courts and Sentencing Legislation Amendment Act 2012*  
*Health Professions Registration (Repeal) Act 2012*  
*Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012*  
*Primary Industries Legislation Amendment Act 2012*  
*Statute Law Repeals Act 2012.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —  
**DRUGS AND CRIME PREVENTION COMMITTEE — COMMUNITY SAFETY AND CRIME PREVENTION** — Mr Ramsay presented a Report from the Drugs and Crime Prevention Committee on Locally Based Approaches to Community Safety and Crime Prevention (including Appendices), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be printed.  
Mr Ramsay moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 9 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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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 11 April 2012 giving approval to the granting of a licence at Bannockburn Bushland Reserve.

Minister's Order of 18 May 2012 giving approval to the granting of a lease at Chiltern Park Recreation Reserve.

Minister's Order of 23 May 2012 giving approval to the granting of a lease at Kardinia Park Memorial Swimming Pool Reserve.

Minister's Order of 29 May 2012 giving approval to the granting of licences at Dromana Foreshore Reserve.

International Fibre Centre — Minister's report of receipt of 2011 report.

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

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

Alpine Planning Scheme — Amendment C26.

Alpine Resorts Planning Scheme — Amendment C21.

Ballarat Planning Scheme — Amendment C152.

Baw Baw Planning Scheme — Amendment C92.

Bayside Planning Scheme — Amendment C108.

Boroondara Planning Scheme — Amendment C154.

Cardinia Planning Scheme — Amendment C164.

Casey Planning Scheme — Amendment C147.

Corangamite Planning Scheme — Amendment C28.

Frankston Planning Scheme — Amendment C84.

Glenelg Planning Scheme — Amendment C72.

Greater Bendigo Planning Scheme — Amendment C182.

Greater Geelong Planning Scheme — Amendment C263.

Horsham Planning Scheme — Amendment C56.

Manningham Planning Scheme — Amendment C92.

Maribyrnong Planning Scheme — Amendments C102 and C103.

Melbourne Planning Scheme — Amendment C185.

Mitchell Planning Scheme — Amendment C45.

Nilumbik Planning Scheme — Amendment C80.

Port Phillip Planning Scheme — Amendment C125.

Surf Coast Planning Scheme — Amendment C55.

Whitehorse Planning Scheme — Amendments C134 and C146.

A Statutory Rule under the Children, Youth and Families Act 2005 — No. 35.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 30 and 32 to 37.

Legislative Instruments and related documents under section 16B in respect of —

Notice of 3 May 2012 of a Declared Area made under section 18 of the Summary Offences Act 1966.

Determination of 9 May 2012 of Department of Human Services Standards (Children, Youth and Families) under the Children, Youth and Families Act 2005.

Determination of 9 May 2012 of Department of Human Services Standards (Disability) under the Disability Act 2006.

Performance Measures of 2 May 2012 for Disability Service Providers under the Disability Act 2006.

Designation of 23 May 2012 of Tow Away Area in Toorak Road, Toorak under the Local Government Act 1989.

\* \* \* \* \*

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

Australian Consumer Law and Fair Trading Act 2012 — Sections 1, 2 and 239 and Item 9 of Schedule 6 — 5 June 2012 (*Gazette No. S172, 29 May 2012*).

Victorian Responsible Gambling Foundation Act 2011 — Division 4 of Part 2 and Part 3 — 22 May 2012 — Section 6 and Division 5 of Part 2 — 1 July 2012 (*Gazette No. S164, 22 May 2012*).

Water Amendment (Governance and Other Reforms) Act 2012 — 1 July 2012 (*Gazette S172, 29 May 2012*).

**6 PRODUCTION OF DOCUMENTS — INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION CONSULTATION PANEL** — The Clerk laid on the Table a letter from the Minister Responsible for the Establishment of an Anti-corruption Commission, dated 23 May 2012, in response to the Resolution of the Council of 2 May 2012 seeking the production of documents relating to the Independent Broad-based Anti-corruption Commission consultation panel, indicating that the Government regrets not being able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 6 June 2012:

- (1) Notice of Motion No. 345 standing in the name of Mr Tee relating to the production of documents in relation to the Coastal Climate Change Advisory Committee Report;
- (2) Notice of Motion No. 346 standing in the name of Ms Hartland relating to the production of documents in relation to the Ministerial taskforce report on options for future provision of dental facilities at the Western Region Community Health Centre;
- (3) the Notice of Motion given this day by Mr Somyurek relating to the maintenance and development of Victoria's manufacturing sector;
- (4) Notice of Motion No. 309 standing in the name of Ms Pennicuik relating to the introduction of a Bill for an Act to allow same sex marriage;
- (5) Order of the Day No. 11, resumption of debate on the second reading of the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012; and
- (6) Notice of Motion No. 332 standing in the name of Mr Lenders relating to a report on the financial impacts of the Federal Government's Clean Energy legislation.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**10 GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — 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 committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, 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 with amendments and requesting their agreement.

**11 POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012 —**

Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Tee was circulated.

Debate continued.

Question — That the Bill be now read a second time — put and agreed to.

Mr Dalla-Riva moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Control of Weapons Act 1990* to further provide for the granting of exemptions, approvals and search warrants under that Act in respect of prohibited weapons and to make other amendments to that Act.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Acting President reported progress —*

Mr Dalla-Riva moved that the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pennicuik
Ms Lovell	Ms Pulford
Mr O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Petrovich	Mr Tee ( <i>Teller</i> )
Mrs Peulich	Ms Tierney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

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Bill further considered in Committee of the whole.

Bill reported with amendments, 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 with amendments and an amended long title which is as follows “*A Bill for an Act to amend the Bushfires Royal Commission Implementation Monitor Act 2011 to extend the operation of that Act, to amend the Country Fire Authority Act 1958 as to persons who are able to exercise the powers of the Chief Officer of the Country Fire Authority where an officer of the Country Fire Authority is not present, to amend the Police Regulation Act 1958 as to appointments of Deputy and Assistant Commissioners and as to standards as to grooming and clothing accessories, and to amend the Sale of Land Act 1962 to require a vendor's statement to disclose when land is in a bushfire-prone area and to amend the Control of Weapons Act 1990 and for other purposes*” and requesting their agreement.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**13 PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012** — 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.

**14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.35 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 75 — Wednesday, 6 June 2012

1 The President took the Chair and read the Prayer.

**2 PETITION — AUSLAN COURSES** — Ms Hartland presented a Petition bearing 791 signatures from certain citizens of Victoria requesting that the Legislative Council take action to save the full time Diploma of Auslan course at Kangan Institute, thereby ensuring the continuation of comprehensive high level Auslan training.

Ordered to lie on the Table.

On the motion of Ms Hartland, the Petition was ordered to be taken into consideration on the next day of meeting.

**3 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2012-13 BUDGET ESTIMATES, PART ONE** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2012-13 Budget Estimates Part One, together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**RURAL AND REGIONAL COMMITTEE — FARMING SECTOR WORKFORCE** — Mr Drum presented a Report from the Rural and Regional Committee on the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Fraud Prevention Strategies in Local Government, June 2012.

Science and Mathematics Participation Rates and Initiatives, June 2012.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 38 to 39.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 345, be postponed until the next day of meeting.
- 6 PRODUCTION OF DOCUMENTS — WESTERN REGION COMMUNITY HEALTH CENTRE DENTAL FACILITIES** — Ms Hartland moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 19 June 2012, the Ministerial taskforce report on options for future provision of dental facilities at the Western Region Community Health Centre, which was completed and given to the Minister for Health in March 2012.

Debate ensued.

Question — put and agreed to.

- 7 MANUFACTURING INDUSTRY** — Mr Somyurek moved, That this House condemns the Baillieu Government for abdicating its responsibility to assist the maintenance and development of Victoria's vital manufacturing sector and thereby helping secure associated jobs and notes that —
- (1) this abandonment of Victoria's manufacturing industry is unacceptable and not in keeping with the responsibilities of a Victorian Government;
  - (2) local manufacturers have received little support and leadership from the Baillieu Government despite being under severe stress from the ongoing increases in the value of the Australian dollar to the detriment of Australian exporters and domestic industries competing against imports;
  - (3) full time Victorian manufacturing employment has decreased by 6800 positions since the Baillieu Government was elected into office;
  - (4) full time manufacturing employment in Central Highlands, Wimmera has fallen by 14.2 per cent and full time manufacturing employment in all Gippsland has fallen by 19 per cent since the Baillieu Government took office;
  - (5) part time Victorian manufacturing employment has increased by 9000 positions since the Baillieu Government took office thus indicating thousands more manufacturing workers are now employed in precarious manufacturing jobs;
  - (6) the Australian Industry Group and Price Waterhouse Coopers Australian Performance of Manufacturing Index (PMI) for Victoria has been in a state of contraction for a significant period of that time the Baillieu Government has been in office; and
  - (7) private investors have lost confidence in the Baillieu Government with private investment in manufacturing falling by 26.9 per cent, private investment in infrastructure falling by 7.5 per cent and private investment in equipment falling by 3.3 per cent in the March 2012 quarter.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 9 MANUFACTURING INDUSTRY** — Debate continued on the question, That this House condemns the Baillieu Government for abdicating its responsibility to assist the maintenance and development of Victoria's vital manufacturing sector and thereby helping secure associated jobs and notes that —
- (1) this abandonment of Victoria's manufacturing industry is unacceptable and not in keeping with the responsibilities of a Victorian Government;
  - (2) local manufacturers have received little support and leadership from the Baillieu Government despite being under severe stress from the ongoing increases in the

value of the Australian dollar to the detriment of Australian exporters and domestic industries competing against imports;

- (3) full time Victorian manufacturing employment has decreased by 6800 positions since the Baillieu Government was elected into office;
- (4) full time manufacturing employment in Central Highlands, Wimmera has fallen by 14.2 per cent and full time manufacturing employment in all Gippsland has fallen by 19 per cent since the Baillieu Government took office;
- (5) part time Victorian manufacturing employment has increased by 9000 positions since the Baillieu Government took office thus indicating thousands more manufacturing workers are now employed in precarious manufacturing jobs;
- (6) the Australian Industry Group and Price Waterhouse Coopers Australian Performance of Manufacturing Index (PMI) for Victoria has been in a state of contraction for a significant period of that time the Baillieu Government has been in office; and
- (7) private investors have lost confidence in the Baillieu Government with private investment in manufacturing falling by 26.9 per cent, private investment in infrastructure falling by 7.5 per cent and private investment in equipment falling by 3.3 per cent in the March 2012 quarter.

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

**10 MARRIAGE EQUALITY BILL 2012** — Ms Pennicuik, pursuant to notice, introduced *A Bill for an Act to provide for marriage between adults of the same sex, to make provision for the dissolution of those marriages, to provide for a registration scheme for same-sex marriage celebrants, to amend the Births, Deaths and Marriages Registration Act 1996 to provide for the registration of same-sex marriages and to amend the Interpretation of Legislation Act 1984 to provide that marriage includes same-sex marriage and for other purposes.*

On the motion of Ms Pennicuik, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pennicuik laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Mr P.R. Davis, the debate was adjourned until Wednesday, 20 June 2012.

**11 PRODUCTION OF DOCUMENTS — SMART METERS PROJECT** — The Clerk laid on the Table a letter dated 5 June 2012, from the Minister for Energy and Resources and certain documents concerning the Government's Advanced Metering Infrastructure project, also known as the 'Smart Meters' project, received in accordance with the Resolution of the Council of 1 June 2011.

On the motion of Ms Pennicuik, the letter and documents were ordered to be taken into consideration on the next day of meeting.

**12 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (FARES) BILL 2012** — 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, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall

Ms Pennicuik	Mr Koch ( <i>Teller</i> )
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mrs Petrovich ( <i>Teller</i> )
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**13 MANUFACTURING INDUSTRY** — Debate continued on the question, That this House condemns the Baillieu Government for abdicating its responsibility to assist the maintenance and development of Victoria's vital manufacturing sector and thereby helping secure associated jobs and notes that —

- (1) this abandonment of Victoria's manufacturing industry is unacceptable and not in keeping with the responsibilities of a Victorian Government;
- (2) local manufacturers have received little support and leadership from the Baillieu Government despite being under severe stress from the ongoing increases in the value of the Australian dollar to the detriment of Australian exporters and domestic industries competing against imports;
- (3) full time Victorian manufacturing employment has decreased by 6800 positions since the Baillieu Government was elected into office;
- (4) full time manufacturing employment in Central Highlands, Wimmera has fallen by 14.2 per cent and full time manufacturing employment in all Gippsland has fallen by 19 per cent since the Baillieu Government took office;
- (5) part time Victorian manufacturing employment has increased by 9000 positions since the Baillieu Government took office thus indicating thousands more manufacturing workers are now employed in precarious manufacturing jobs;
- (6) the Australian Industry Group and Price Waterhouse Coopers Australian Performance of Manufacturing Index (PMI) for Victoria has been in a state of contraction for a significant period of that time the Baillieu Government has been in office; and
- (7) private investors have lost confidence in the Baillieu Government with private investment in manufacturing falling by 26.9 per cent, private investment in infrastructure falling by 7.5 per cent and private investment in equipment falling by 3.3 per cent in the March 2012 quarter.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Peulich —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the City of Melbourne Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**16 GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**17 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.07 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 76 — Thursday, 7 June 2012

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**PARTNERSHIPS VICTORIA PROJECT SUMMARY — VICTORIAN COMPREHENSIVE CANCER CENTRE PROJECT** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary in relation to the Victorian Comprehensive Cancer Centre Project, May 2012.

Question — put and agreed to.

The paper was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

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

Parliamentary Committees Act 2003 — Government Response to the Drugs and Crime Prevention Committee's Report on the Inquiry into Violence and Security Arrangements in Victorian Hospitals.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of an Instrument of Revocation of 13 April 2012 made under section 5.2.1(2)(b) of the Education and Training Reform Act 2006.

3 **PRODUCTION OF DOCUMENTS — WILDLIFE PERMITS** — The Clerk laid on the Table a letter from the Minister for Environment and Climate Change, dated 4 June 2012, and certain documents concerning authority to control wildlife permits issued by the Department of Sustainability and Environment in 2011, received in accordance with the Resolution of the Council of 14 March 2012 —

- confirming that thorough and diligent searches were undertaken to identify documents captured by the resolution;
- advising that processing this order in its entirety would result in a significant diversion of resources; and
- requesting that the Council do not insist on the production of all authority to control wildlife permits issued in 2011.

On the motion of Mr Barber, the letter and documents were ordered to be taken into consideration on the next day of meeting.

4 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 19 June 2012.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 205, 269, 289, 291, 302, 311 and 342, be postponed until later this day.

7 **PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Mr Guy, pursuant to notice, introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to introduce a new assessment process for specified permit applications and for other purposes.*

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

**8 MONETARY UNITS AMENDMENT BILL 2012** — 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, 23	NOES, 14
Mr Barber	Ms Broad
Mrs Coote	Mr Eideh
Ms Crozier	Mr Elasmarr
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum	Ms Mikakos
Mr Elsbury	Mr Pakula
Mr Finn	Ms Pulford ( <i>Teller</i> )
Mr Guy	Mr Scheffer
Mr Hall	Mr Somyurek
Ms Hartland	Mr Tarlamis ( <i>Teller</i> )
Mr Koch	Mr Tee
Mrs Kronberg	Ms Tierney
Ms Lovell	
Mr O'Brien	
Mr O'Donohue	
Mr Ondarchie	
Ms Pennicuik ( <i>Teller</i> )	
Mrs Petrovich	
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

Mr Rich-Phillips 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, 23	NOES, 14
Mr Barber	Ms Broad ( <i>Teller</i> )
Mrs Coote	Mr Eideh
Ms Crozier	Mr Elasmarr
Mr Dalla-Riva	Mr Jennings
Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum ( <i>Teller</i> )	Ms Mikakos
Mr Elsbury	Mr Pakula
Mr Finn	Ms Pulford
Mr Guy	Mr Scheffer ( <i>Teller</i> )
Mr Hall	Mr Somyurek
Ms Hartland ( <i>Teller</i> )	Mr Tarlamis
Mr Koch	Mr Tee
Mrs Kronberg	Ms Tierney
Ms Lovell	
Mr O'Brien	

Mr O'Donohue  
Mr Ondarchie  
Ms Pennicuik  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question agreed to.

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

- 9 CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 11 CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012** — Debate continued on the question, That the Bill be now read a second time.

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.

- 12 BUDGET PAPERS, 2012-13** — Debate resumed on the question, That the Council take note of the Budget Papers, 2012-13.

On the motion of Mrs Kronberg, the debate was adjourned until later this day.

- 13 APPROPRIATION (2012/2013) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2012/2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr Rich-Phillips), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

- 14 HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the implementation of the National Health Reform Agreement and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr D.M. Davis), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 15 DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000 to make further provision for the imposition of duty on the acquisition of interests in certain land holding*

entities, to amend the *Planning and Environment Act 1987* as a result of the changes to the *Duties Act 2000*, to amend the *Financial Sector Reform (Victoria) Act 1999* as a result of the change of name of the *Financial Sector (Transfers of Business) Act 1999* of the Commonwealth and for other purposes and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr Rich-Phillips), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 STATE TAXATION ACTS AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000 and the National Taxation Reform (Consequential Provisions) Act 2000* and for other purposes and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr Rich-Phillips), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 17 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government (Brimbank City Council) Act 2009* and for other purposes and requesting the agreement of the Council.

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

- 18 BUDGET PAPERS, 2012-13** — Debate resumed on the question, That the Council take note of the Budget Papers, 2012-13.

On the motion of Mr Finn, the debate was adjourned until the next day of meeting.

- 19 COGNATE DEBATE** — Ms Lovell moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2012/2013) Bill 2012 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2012-13.

Question — put and agreed to.

- 20 POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 21 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.55 p.m., adjourned until Tuesday, 19 June 2012.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 74, 75 and 76

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Tuesday, 5 June 2012

### 1 GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012

**Clause 1** — put and agreed to.

**Clause 2** — Mr Guy moved —

1. Clause 2, line 29, omit "3 to 7 and 12 to 17" and insert "3(1) and (2), 4 to 7 and 15 to 20".
2. Clause 2, line 32, omit "3" and insert "3(1) and (2)".
3. Clause 2, lines 34 and 35, omit "the remaining provisions of this Act" and insert "sections 4 to 7 and 15 to 20".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Guy moved —

4. Clause 3, after line 19 insert—  
'( ) In section 1.3(1) of the **Gambling Regulation Act 2003**, insert the following definition—  
"**wagering and betting operator** means the company (if any) appointed under section 4.3A.15A as operator of the wagering and betting licence;".'

Question — That the amendment be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 11** — put and agreed to.

**New Clauses** — Mr Guy moved —

5. Insert the following New Clauses to follow clause 11—  
**'AA New sections 4.3A.15A to 4.3A.15C inserted**  
After section 4.3A.15 of the **Gambling Regulation Act 2003** insert—  
**"4.3A.15A Appointment of wagering and betting operator**  
(1) Subject to section 4.3A.15B, the wagering and betting licensee may, by notice in writing given to the Commission, appoint as operator of the wagering and betting licence a company that—  
(a) is a wholly-owned subsidiary of the licensee; and  
(b) has a physical place of business in Victoria; and  
(c) is approved by the Commission.  
(2) A company appointed as operator ceases to be the operator on ceasing to be a wholly-owned subsidiary of the licensee.  
(3) The licensee may, at any time by notice in writing given to the Commission, revoke the appointment of an operator under this section.  
(4) The appointment of an operator under this section does not affect any function or obligation of the licensee under a gaming Act or gaming regulations.  
**4.3A.15B Approval of wholly-owned subsidiary**  
On application by the wagering and betting licensee, the Commission may approve a wholly-owned subsidiary of the licensee for appointment under section 4.3A.15A if satisfied that the appointment would not result in a person who is not currently an associate of the licensee becoming an associate of the licensee.  
**4.3A.15C Rights and obligations of wagering and betting operator**  
(1) The wagering and betting operator is authorised to conduct, subject to this Act and the regulations, the **Racing Act 1958** and any conditions to which the wagering and betting

licence is subject, any activities that the wagering and betting licensee is authorised to conduct under the licence.

- (2) In conducting activities under the wagering and betting licence, the wagering and betting operator has all of the rights of the wagering and betting licensee, and is subject to all of the obligations of the wagering and betting licensee, under this Act, the regulations, the **Racing Act 1958** and the licence (other than an obligation of the licensee to pay an amount under Part 6 of this Chapter).
- (3) If the wagering and betting operator performs any obligation of the wagering and betting licensee under this Act, the regulations, the **Racing Act 1958** or the licence, the licensee's obligation is discharged.
- (4) For the purposes of this Act—
  - (a) a reference in Part 6 of this Chapter to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting licensee includes a reference to any totalisator, approved betting competition or approved simulated racing event conducted by the wagering and betting operator; and
  - (b) a reference in section 4.6.6B to betting exchange commissions earned by the wagering and betting licensee includes a reference to betting exchange commissions earned by the wagering and betting operator.
- (5) A reference in section 115(2)(ba) of the **Liquor Control Reform Act 1998** to the holder of the wagering and betting licence includes a reference to the wagering and betting operator."

#### **BB Consequential amendments regarding wagering and betting operator**

- (1) In section 4.3A.26 of the **Gambling Regulation Act 2003**—
  - (a) in paragraphs (a) and (b), after "licensee" **insert** "or operator";
  - (b) in paragraph (c), for "licensee, or an associate of the licensee" **substitute** "licensee or operator, or an associate of the licensee or operator";
  - (c) in paragraphs (d), (e), (f) and (g), after "licensee" (wherever occurring) **insert** "or operator";
  - (d) in paragraph (i)—
    - (i) after "licensee" **insert** "or operator";
    - (ii) after "licensee's" **insert** "or operator's".
- (2) In section 4.3A.27 of the **Gambling Regulation Act 2003**—
  - (a) in subsection (1)—
    - (i) after "licensee" (where first occurring) **insert** "and the wagering and betting operator";
    - (ii) after "licensee" (where secondly occurring) **insert** "and the operator";
  - (b) in subsections (2), (3)(a)(i) and (ii), (5), (6)(a) and (7), after "licensee" (wherever occurring) **insert** "or operator".
- (3) In section 4.3A.28(1), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".
- (4) In section 4.3A.29(1) of the **Gambling Regulation Act 2003**, for "licensee or an executive officer of the licensee" **substitute** "licensee or operator, or an executive officer of the licensee or operator".
- (5) In sections 4.3A.39A(1) and (2) and 4.3A.39B(1), (2) and (3) of the **Gambling Regulation Act 2003**, after "licensee" (wherever occurring) **insert** "or operator".
- (6) In section 4.6.3(1A)(a) and (1B)(a) of the **Gambling Regulation Act 2003** omit "or wagering operator".

#### **CC Banking**

After section 4.8.2(1A) of the **Gambling Regulation Act 2003** **insert**—

"(1B) An account referred to in subsection (1A)(a)(i) or (ii) may, in addition to the amounts referred to in that subsection, contain any other amounts approved by the Commission.".

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Clauses 12 to 16** — put and agreed to.

**Clause 17** — Mr Guy moved —

6. Clause 17, line 15, omit "17" and insert "20".

Question — That the amendment be agreed to — put and agreed to.

Clause 17, as amended — put and agreed to.

**Clauses 18 to 31** — put and agreed to.

**Clause 32** — Mr Guy moved —

7. Clause 32, lines 14 and 15, omit "the first anniversary of its commencement" and insert "1 September 2013".

Question — That the amendment be agreed to — put and agreed to.

Clause 32, as amended — put and agreed to.

**Bill reported with amendments.****2 POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012****Clause 1** — Mr Dalla-Riva moved —

1. Clause 1, line 25, omit "area." and insert "area; and".
2. Clause 1, after line 25 insert—  
"(e) to amend the **Control of Weapons Act 1990** to further provide for the granting of exemptions, approvals and search warrants under that Act in respect of prohibited weapons and to make other amendments to that Act."

Question — That the amendments be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Mr Dalla-Riva moved —

3. Clause 2, lines 27 to 29, omit all words and expressions on these lines and insert—  
"(1) This Part comes into operation on the day on which this Act receives the Royal Assent.  
(2) Sections 11, 12, 13, 14 and 17 are taken to have come into operation on 16 May 2012.  
(3) Parts 2, 3, 4 and 7 and the remaining provisions of Part 6 come into operation on the day after the day on which this Act receives the Royal Assent."
4. Clause 2, line 30, omit "(3)" and insert "(5)".

Question — That the amendments be agreed to — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 9** — put and agreed to.

**Clause 10** — Mr Tee moved —

1. Clause 10, lines 5 to 8, omit all words and expressions on these lines and insert—  
"(dc) if the land is in a designated bushfire prone area within the meaning of regulations made under the **Building Act 1993**, a statement—  
(i) that the land is in such an area; and  
(ii) if a building has been constructed on the land—  
(A) identifying any Australian standard as to the construction of buildings in designated bushfire prone areas applicable at the time of construction of the building; and  
(B) specifying whether the construction of the building complies with that standard; and  
(iii) if a site assessment has been made for the purpose of determining the bushfire attack level within the meaning of regulations made under the **Building Act 1993**, containing the details of the site assessment;"

*Committee interrupted at 10.00 p.m. pursuant to Sessional Orders.*

Committee resumed.

Question — That the amendment be agreed to — put.

The Council divided — The Acting President (Mr Elasmr) in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva

Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Hall
Mr Pakula	Mr Koch
Ms Pennicuik	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Petrovich
Ms Tierney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Amendment negated.

Clause 10 — put and agreed to.

### Heading before Part 6 — Mr Dalla-Riva moved —

5. Page 9, before the heading to Part 6 insert—

**"PART 6—AMENDMENTS TO CONTROL OF WEAPONS ACT 1990".**

Question — That the amendment be agreed to — put and agreed to.

### New Clauses — Mr Dalla-Riva moved —

6. Insert the following New Clauses to follow the heading inserted by Amendment No. 5—

**'AA Exemption of health service workers**

(1) In section 7A(1) of the **Control of Weapons Act 1990** after "section 5," insert "5AA, 5AB(1),".

(2) In section 7A(2) of the **Control of Weapons Act 1990** after "section 5," insert "5AA, 5AB(1),".

**BB Exemption of person exercising power under the Education and Training Reform Act 2006**

In section 7B(1) of the **Control of Weapons Act 1990** after "section 5," insert "5AA, 5AB(1),".

**CC Exemptions for prohibited weapons and body armour**

In section 8B(1)(a) of the **Control of Weapons Act 1990** after "(except section 5(1AC) or (1AD))" insert ", 5AA, 5AB(1)".

**DD Approvals for prohibited weapons and body armour**

In section 8C(1) of the **Control of Weapons Act 1990**, after "(except section 5(1AC) or (1AD))" insert ", 5AA, 5AB(1)".

**EE Power to require production of approval**

In section 8G(1)(a) of the **Control of Weapons Act 1990** after "section 5" insert ", 5AA or 5AB(1)".

**FF Warrant to search**

In section 11(1) of the **Control of Weapons Act 1990**, after "section 5" (wherever occurring) insert ", 5AA or 5AB".

**GG New section 17 inserted**

After section 16 of the **Control of Weapons Act 1990** insert—

**"17 Savings provision—Police and Emergency Management Legislation Amendment Act 2012**

(1) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any Order made by the Governor in Council under section 8B(1), being an Order in force immediately before that commencement exempting a class of person, or a class of prohibited weapons (other than imitation firearms) or a corrections officer, military officer or police officer from any provision of section 5(1) is taken also to have the effect of an exemption from the provisions of section 5AA, to the same extent as that Order has provided for an exemption from the provisions of section 5(1).

(2) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any Order made by the Governor in Council under section 8B(1), being an Order in force immediately before that commencement exempting a class of person, or a class of prohibited weapons (being imitation firearms) or a corrections officer, military officer or police officer

from any provision of section 5(1) is taken also to have the effect of an exemption from the provisions of section 5AB(1), to the same extent as that Order has provided for an exemption from the provisions of section 5(1).

- (3) On and from the commencement of section 4 of the **Control of Weapons and Firearms Acts Amendment Act 2012**, any approval granted by the Chief Commissioner under section 8C, being an approval in force immediately before that commencement, that—
- (a) in relation to prohibited weapons (other than imitation firearms), approves a person to do anything that is otherwise prohibited by any provision of section 5 (except section 5(1A) or (1D)) is taken also to have the effect of an approval to do anything otherwise prohibited by any provision of section 5AA, to the same extent as the approval provides for section 5(1); or
  - (b) in relation to imitation firearms, approves a person to do anything that is otherwise prohibited by any provision of section 5 (except section 5(1A) or (1D)) is taken also to have the effect of an approval to do anything otherwise prohibited by any provision of section 5AB(1), to the same extent as the approval provides for section 5(1).".

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Heading to Part 6** — Mr Dalla-Riva moved —

7. Page 9, heading to Part 6, omit "6" and insert "7".

Question — That the amendment be agreed to — put and agreed to.

Heading to Part 6, as amended — put and agreed to.

**Clause 11** — put and agreed to.

**Long Title** — Mr Dalla-Riva moved —

8. In the long title, after "area" insert "and to amend the **Control of Weapons Act 1990**".

Question — That the amendment be agreed to — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

## Thursday, 7 June 2012

### 1 MONETARY UNITS AMENDMENT BILL 2012

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**

### 2 CITY OF MELBOURNE AMENDMENT (ENROLMENT) BILL 2012

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 77, 78 and 79

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#### No. 77 — Tuesday, 19 June 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE BURWYN ERIC DAVIDSON** — The President advised the House of the death on 9 June 2012 of Mr Burwyn Eric Davidson, Member of the Legislative Council for Chelsea Province from 1988 to 1996.  
Members stood in their places as a mark of respect to the memory of the late Mr Davidson.
- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 13 June 2012, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*City of Melbourne Amendment (Enrolment) Act 2012*  
*Gambling Legislation Amendment (Transition) Act 2012*  
*Monetary Units Amendment Act 2012*  
*Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Act 2012*  
*Police and Emergency Management Legislation Amendment Act 2012.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**DENTAL SERVICES IN WESTERN SUBURBS** — Mr D.M. Davis having given an answer to a question without notice relating to dental services in the western suburbs —  
Mr Barber moved, That the Minister's answer be taken into consideration on the next day of meeting.  
Debate ensued.  
Question — put and agreed to.  
**QUESTIONS** — Questions without notice continued.  
**FOI REQUEST, MEDIA MONITORING IN DEPARTMENT OF HEALTH** — Mr D.M. Davis having given answers to a question without notice and a supplementary question without notice relating to an FOI request for media monitoring in the Department of Health —  
On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.  
**DIESEL EMISSIONS HEALTH STUDIES** — Mr D.M. Davis having given answers to a question without notice and a supplementary question without notice relating to diesel emissions health studies —  
On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**5 PETITIONS —**

**RURAL MATERNITY SUPPORT PROGRAM** — Ms Pulford presented a Petition bearing 148 signatures from certain citizens of Victoria requesting that the Government immediately recommence funding of the Rural Maternity Support Program so as to maintain a clinical midwifery consultant in each of Victoria's five rural regions.

Ordered to lie on the Table.

\* \* \* \* \*

**KINGSTON GREEN WEDGE** — Mrs Peulich presented a Petition bearing 1,171 signatures from certain citizens of Victoria requesting that the Government make planning and zoning changes to the 'Kingston Green Wedge' area that will identify and establish land for the 'chain of parks' concept, allow for 'ranch style' subdivisions for housing, put an end to quarries and tips and promote the development of healthy and usable open spaces for active and passive recreation and sport grounds.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**SCHOOL BUS SERVICE, RUPANYUP, MURTOA AND MINYIP** — Ms Mikakos presented a Petition bearing 218 signatures from certain citizens of Victoria requesting that the Government restore the Rupanyup, Murtoa and Minyip school bus service to ensure the families in the surrounding areas are able to participate in local school and kindergarten programs.

Ordered to lie on the Table.

On the motion of Ms Mikakos, the petition was ordered to be taken into consideration on the next day of meeting.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 10 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2011.

Planning and Environment Act 1987 —

Amendments to planning schemes:

Cardinia Planning Scheme Amendment C190.

Casey Planning Scheme Amendment C170.

Hume Planning Scheme Amendment C166.

Melton Planning Scheme Amendment C128.

Mitchell Planning Scheme Amendment C100.

Whittlesea Planning Scheme Amendment C167.

Wyndham Planning Scheme Amendment C180.

Notices of Approval of the following amendments to planning schemes:

Boroondara Planning Scheme — Amendments C123, C140 and C175.

Cardinia Planning Scheme — Amendments C124, C156 and C172.

Casey Planning Scheme — Amendments C150 and C159.

East Gippsland Planning Scheme — Amendments C80 and C82.

Glenelg Planning Scheme — Amendment C71.

Golden Plains Planning Scheme — Amendment C57.

Greater Bendigo Planning Scheme — Amendment C181.

Greater Shepparton Planning Scheme — Amendment C148.

Hume Planning Scheme — Amendment C159.

- Monash Planning Scheme — Amendment C112.
- South Gippsland Planning Scheme — Amendment C69.
- Wellington Planning Scheme — Amendment C78.
- Wodonga Planning Scheme — Amendment C86.
- Racing Act 1958 — Amendments to the Constitution of Racing Victoria Limited pursuant to section 3B(2).
- Statutory Rules under the following Acts of Parliament:
  - City of Melbourne Act 2001 — Local Government Act 1989 — No. 40.
  - Infringements Act 2006 — No. 36.
  - Road Safety Act 1986 — No. 37.
  - Supreme Court Act 1986 — Nos. 38 and 39.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 41.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Resources Legislation Amendment Act 2011 — Part 6 — 1 July 2012 (*Gazette No. S194, 13 June 2012*).

## 7 PRODUCTION OF DOCUMENTS —

**WESTERN REGION HEALTH CENTRE DENTAL SERVICES TASKFORCE** — The Clerk laid on the Table a letter from the Minister for Health, dated 16 June 2012, together with the Western Region Health Centre Dental Services Taskforce Report, in accordance with the Resolution of the Council of 6 June 2012.

On the motion of Ms Hartland, the letter and report were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT** — The Clerk laid on the Table a letter from the Minister for Water, dated 12 June 2012, in response to the Resolution of the Council of 8 February 2012 seeking the production of documents relating to a copy of the March 2010 business case, the July 2010 update and the due diligence assessment report as described on page 2 of the Northern Victoria Irrigation Renewal Project Stage 2 agreement between the State of Victoria and the Commonwealth —

- advising that the release of these documents would be prejudicial to the public interest as they would reveal the deliberations of Cabinet of the former Government and/or prejudice the State's relationship with the Commonwealth Government; and
- requesting that the Legislative Council do not insist on the production of these documents.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION CONSULTATION PANEL** — The Clerk laid on the Table a letter from the Minister Responsible for the Establishment of an Anti-corruption Commission, dated 13 June 2012, in response to the Resolution of the Council of 2 May 2012 seeking the production of documents relating to the Independent Broad-based Anti-corruption Commission consultation panel —

- advising that the release of the relevant documents identified by the Government would be prejudicial to the public interest as they would reveal the deliberations of Cabinet, high-level deliberations of the Government and information obtained by the Government on the basis that it would be kept confidential; and
- requesting that the Legislative Council do not insist on the production of these documents.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 20 June 2012:

- (1) the Notice of Motion given this day by Mr Pakula relating to the resignation of the former Parliamentary Secretary for Police and Emergency Services and related matters;
- (2) Order of the Day No. 22, consideration of a petition in relation to Auslan Courses;
- (3) Notice of Motion No. 352 standing in the name of Mr Lenders relating to the failure of National Party Ministers to stand up for the regional and rural communities;
- (4) Notice of Motion No. 284 standing in the name of Mr Barber relating to the provision of the 'Sinclair Knight Merz' report; and
- (5) the Notice of Motion given this day by Ms Hartland (for Ms Pennicuik) relating to past forced adoption policies and practices.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**11 PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for two weeks.

**12 STATE TAXATION ACTS AMENDMENT BILL 2012** — Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Debate ensued.

Amendments proposed to be moved in Committee by Mr Lenders 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.

**13 DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**14 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — Mr Rich-Phillips (for Mr Guy) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned until later this day.

**15 HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — Mr Rich-Phillips (for Mr D.M. Davis) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Jennings), the debate was adjourned until later this day.

**16 DUTIES AMENDMENT (LANDHOLDER) BILL 2012** — 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 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.

**17 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012** — 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, 20

NOES, 18

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr P.R. Davis

Mr Elasmar

Mr Drum

Ms Hartland

Mr Elsbury

Mr Jennings

Mr Finn

Mr Leane

Mr Guy

Mr Lenders

Mr Hall

Ms Mikakos

Mr Koch

Mr Pakula

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue (*Teller*)

Mr Tarlamis (*Teller*)

Mr Ondarchie

Mr Tee

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question 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.

Mr Guy 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 Acting President in the Chair.

AYES, 20

NOES, 18

Mrs Coote

Mr Barber (*Teller*)

Ms Crozier

Ms Broad

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr Eideh

Mr P.R. Davis	Mr Elasmarr
Mr Drum ( <i>Teller</i> )	Ms Hartland
Mr Elsbury	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

**18 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 9.35 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 78 — Wednesday, 20 June 2012

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**AUSLAN COURSES** — Ms Hartland presented a Petition bearing 1,559 signatures from certain citizens of Victoria requesting that the Legislative Council take action to save the full time Diploma of Auslan course at Kangan Institute, thereby ensuring the continuation of comprehensive high level Auslan training.

Ordered to lie on the Table.

\* \* \* \* \*

**MENS ONLY LAWN BOWLS** — Mr O'Donohue presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that there be a legislative change to the *Equal Opportunity Act 2010* to allow men to organise and play “mens only” lawn bowls events and bring Victoria into line with all other states that allows men and women to organise and play their separate bowls events.

Ordered to lie on the Table.

3 **PAPERS** —

**BETTING ACTIVITIES OF VICTORIAN RACING OFFICIALS** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the Racing Integrity Commissioner's Report of Own Motion Inquiry Into Betting Activities of Racing Officials Employed by the Victorian Racing Industry, June 2012.

Question — put and agreed to.

The paper was presented by Mr Rich-Phillips and ordered to lie on the Table.

**LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE — WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Mr O'Donohue presented a Report from the Legal and Social Issues Legislation Committee on the Wills Amendment (International Wills) Bill 2011 (including an Appendix).

Ordered to lie on the Table and to be printed.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — GIFTED AND TALENTED STUDENTS** —

Ms Tierney presented a Report from the Education and Training Committee on the Education of Gifted and Talented Students (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Tierney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm, June 2012.

Obsolescence of Frontline ICT: Police and Schools, June 2012.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials).

Office of Police Integrity — Reporting wrongdoing in the workplace: problems for police, June 2012.

Ombudsman — Report on investigation into Greyhound Racing Victoria, June 2012.

Statutory Rules under the following Acts of Parliament:

Health Records Act 2011 — No. 44.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 46.

Marine Safety Act 2010 — No. 45.

Pipelines Act 2005 — No. 42.

Road Safety Act 1986 — Nos. 47 and 48.

Sex Work Act 1994 — No. 41.

Victorian Energy Efficiency Target Act 2007 — No. 43.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 40.

**4 PRODUCTION OF DOCUMENTS — NETWORK REVENUE PROTECTION PLAN, 2011-12** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 18 June 2012, together with the Network Revenue Protection Plan 2011-12, in accordance with the Resolution of the Council of 28 March 2012.

On the motion of Mr Barber, the letter and paper were ordered to be taken into consideration on the next day of meeting.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 DEPUTY PREMIER'S EVIDENCE TO OFFICE OF POLICE INTEGRITY** — Mr Pakula moved, That this House notes the ongoing atmosphere of mistrust and recrimination between the Coalition partners as a result of the 'Overland-Jones-Weston affair', and the detrimental effect it is having on the good governance of Victoria, and in particular the —

- (1) forced resignation of the Liberal Member for Benambra as Parliamentary Secretary for Police and Emergency Services, and a Liberal advisor rather than The Nationals' Deputy Premier;
- (2) taping of a private conversation by the Liberal Member for Benambra without the knowledge of The Nationals Deputy Premier; and
- (3) leaking of the contents of that tape in an apparent attempt to undermine the Liberal Premier, The Nationals Deputy Premier, or both;

and calls on the Premier to seek advice on what opportunities are available to the Deputy Premier to recommit his evidence under oath to reconcile the irregularities with the evidence given under oath by the Member for Benambra to the Office of Police Integrity.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 DEPUTY PREMIER'S EVIDENCE TO OFFICE OF POLICE INTEGRITY** — Debate continued on the question, That this House notes the ongoing atmosphere of mistrust and recrimination between the Coalition partners as a result of the 'Overland-Jones-Weston affair', and the detrimental effect it is having on the good governance of Victoria, and in particular the —

- (1) forced resignation of the Liberal Member for Benambra as Parliamentary Secretary for Police and Emergency Services, and a Liberal advisor rather than The Nationals' Deputy Premier;
- (2) taping of a private conversation by the Liberal Member for Benambra without the knowledge of The Nationals Deputy Premier; and
- (3) leaking of the contents of that tape in an apparent attempt to undermine the Liberal Premier, The Nationals Deputy Premier, or both;

and calls on the Premier to seek advice on what opportunities are available to the Deputy Premier to recommit his evidence under oath to reconcile the irregularities with the evidence given under oath by the Member for Benambra to the Office of Police Integrity.

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

**9 AUSLAN COURSES — PETITION** — Ms Hartland moved, That the Council take note of the Petition, tabled on 6 June 2012, requesting that the Legislative Council take action to save the full time Diploma of Auslan course at Kangan Institute, thereby ensuring the continuation of comprehensive high level Auslan training.

Debate ensued.

Question — put and agreed to.

**10 DEPUTY PREMIER'S EVIDENCE TO OFFICE OF POLICE INTEGRITY** — Debate resumed on the question, That this House notes the ongoing atmosphere of mistrust and recrimination between the Coalition partners as a result of the 'Overland-Jones-Weston affair', and the detrimental effect it is having on the good governance of Victoria, and in particular the —

- (1) forced resignation of the Liberal Member for Benambra as Parliamentary Secretary for Police and Emergency Services, and a Liberal advisor rather than The Nationals' Deputy Premier;
- (2) taping of a private conversation by the Liberal Member for Benambra without the knowledge of The Nationals Deputy Premier; and
- (3) leaking of the contents of that tape in an apparent attempt to undermine the Liberal Premier, The Nationals Deputy Premier, or both;

and calls on the Premier to seek advice on what opportunities are available to the Deputy Premier to recommit his evidence under oath to reconcile the irregularities with the evidence given under oath by the Member for Benambra to the Office of Police Integrity.

Question — put.

The Council divided — The President in the Chair.

AYES, 19  
 Mr Barber (*Teller*)  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr (*Teller*)  
 Ms Hartland  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21  
 Mr Atkinson  
 Mrs Coote (*Teller*)  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 352, be postponed until later this day.

**12 PRODUCTION OF DOCUMENTS — SINCLAIR KNIGHT MERZ REPORT** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 14 August 2012, the 'Sinclair Knight Merz' report investigating the effects of carbon pricing on Victoria's hospitals, commissioned by the Department of Health and provided to the Herald Sun.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.50 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 79 — Thursday, 21 June 2012

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**AUSLAN COURSES** — Ms Hartland presented a Petition bearing 184 signatures from certain citizens of Victoria requesting that the Legislative Council take action to save the full time Diploma of Auslan course at Kangan Institute, thereby ensuring the continuation of comprehensive high level Auslan training.

Ordered to lie on the Table.

**TAFE FUNDING** — Mr Lenders presented a Petition bearing 504 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

On the motion of Mr Lenders, the petition was ordered to be taken into consideration on the next day of meeting.

### 3 PAPERS —

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee's Annual Report of Inquiries into the deaths of children known to Child Protection 2012.

Question — put and agreed to.

The paper was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2010-11.

Question — put and agreed to.

The paper was presented by Mr Rich-Phillips and ordered to lie on the Table.

\* \* \* \* \*

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

Agricultural Industry Development Act 1990 — Murray Valley Citrus Industry Development Order 2012, pursuant to section 8(3) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 22 May 2012 and 20 June 2012.

Multicultural Affairs — Whole of Government Report, 2010-11.

Office of Police Integrity — Victoria Police: recurring themes in the management of high profile investigations, June 2012.

Ombudsman — Report on investigation into allegations of detrimental action involving Victoria Police, June 2012.

Parliamentary Committees Act 2003 —

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Access to Public Hospitals: Measuring Performance.

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Report on Preparedness to Respond to Terrorism Incidents: Essential Services and Critical Infrastructure.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 42, 43, 47, 48, 49, 51 and 56.

**4 RIGHT OF REPLY — CR ROSEMARY WEST** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Councillor Rosemary West, City of Kingston, to statements made in the Council by Mrs Peulich on 8 February 2012.

Ordered to lie on the Table and to be printed.

**5 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 8 HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012** — 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 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.
- 9 APPROPRIATION (2012/2013) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2012-13** having been authorised to be debated concurrently pursuant to an Order of the Council on 7 June 2012].  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 11 APPROPRIATION (2012/2013) BILL 2012** — Debate continued on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2012-13** having been authorised to be debated concurrently pursuant to an Order of the Council on 7 June 2012].  
Question — put and agreed to.  
Bill read a second time.  
Ordered — That the Bill be committed to a Committee of the whole later this day.
- 12 APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012** — 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 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.
- 13 WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011** — Mr Dalla-Riva moved, by leave, That the Bill be now read a third time.  
Question — put and agreed to.  
Bill 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.
- 14 WORKING WITH CHILDREN AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Working with Children Act 2005 in relation to the giving, suspension, re-assessment and review of assessment notices, to amend the Victorian Civil and Administrative Tribunal Act 1998 and the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.  
Mr Dalla-Riva moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned for one week.

**15 FORESTS AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Forests Act 1958 and the Crown Land (Reserves) Act 1978, to make consequential amendments to the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**16 RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 to make further provision for matters relating to bonds and duty provisions and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**17 MESSAGES FROM THE ASSEMBLY** — The President read Messages from the Assembly informing the Council that they have agreed to the following Bills without amendment:

Statute Law Revision Bill 2012

Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012.

**18 APPROPRIATION (2012/2013) BILL 2012** — 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.

**19 BUDGET PAPERS, 2012-13** — The concurrent debate having concluded —

Question — That the Council take note of the Budget Papers, 2012-13 — put and agreed to.

**20 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. 44.

Legislative Instruments and related documents under section 16B in respect of a Ministerial Order made under the Livestock Disease Control Act 1994.

**21 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.57 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 77, 78 and 79

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Tuesday, 19 June 2012

### 1 STATE TAXATION ACTS AMENDMENT BILL 2012

**Clause 1** — Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 1, page 2, lines 6 to 9, omit all words and expressions on those lines.

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)  
Mr Viney

NOES, 23

Mr Atkinson  
Mr Barber (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Ms Hartland  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**Clause 6** — Question — That Clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Atkinson  
Mr Barber  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva

NOES, 16

Ms Broad  
Ms Darveniza  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Jennings

Mr D.M. Davis	Mr Leane
Mr P.R. Davis	Mr Lenders
Mr Drum ( <i>Teller</i> )	Ms Mikakos
Mr Elsbury	Mr Pakula
Mr Finn	Ms Pulford
Mr Guy	Mr Scheffer ( <i>Teller</i> )
Mr Hall	Mr Somyurek
Ms Hartland ( <i>Teller</i> )	Mr Tarlamis
Mr Koch	Mr Tee
Mrs Kronberg	Ms Tierney
Ms Lovell	Mr Viney
Mr O'Brien	
Mr O'Donohue	
Mrs Petrovich	
Mrs Peulich	
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

**Clauses 7 to 11** — put and agreed to.

**Bill reported without amendment.**

## 2 DUTIES AMENDMENT (LANDHOLDER) BILL 2012

**Clauses 1 to 30** — put and agreed to.

**Bill reported without amendment.**

## 3 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012

**Clause 1** — Question — That Clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20	NOES, 18
Mrs Coote	Mr Barber
Ms Crozier	Ms Broad
Mr Dalla-Riva	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Mr Pakula ( <i>Teller</i> )
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee ( <i>Teller</i> )
Mrs Petrovich ( <i>Teller</i> )	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Question — That Clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 18

Mr Barber  
 Ms Broad (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 4** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 21 June 2012

### 1 HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012

**Clauses 1 to 35** — put and agreed to.

**Bill reported without amendment.**

### 2 APPROPRIATION (PARLIAMENT 2012/2013) BILL 2012

**Clauses 1 to 6** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

### 3 APPROPRIATION (2012/2013) BILL 2012

**Clauses 1 to 8** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 80, 81 and 82

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#### No. 80 — Tuesday, 14 August 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
  - On 27 June 2012, given the Royal Assent to the following Acts presented to him by the Speaker of the Legislative Assembly:
    - Appropriation (2012/2013) Act 2012*
    - Appropriation (Parliament 2012/2013) Act 2012.*
  - On 27 June 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Duties Amendment (Landholder) Act 2012*
    - Education Legislation Amendment (VET Sector, Universities and Other Matters) Act 2012*
    - Health (Commonwealth State Funding Arrangements) Act 2012*
    - Local Government (Brimbank City Council) Amendment Act 2012*
    - State Taxation Acts Amendment Act 2012*
    - Statute Law Revision Act 2012*
    - Wills Amendment (International Wills) Act 2012.*
- 3 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — The President announced that he had received a letter from Mr Wade Noonan, MP resigning from the Economic Development and Infrastructure Committee, effective from 14 August 2012.
- 4 **AUDITOR-GENERAL** — The President announced that he had received a letter from Mr Des Pearson, Auditor-General, advising that he had forwarded his letter of resignation to the Governor, with effect from midnight Friday, 14 December 2012.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**HOSPITALS IN SUNSHINE** — Mr D.M. Davis having given an answer to a question without notice and supplementary question relating to hospitals in Sunshine —  
On the motion of Ms Broad, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —  
**ANNUAL REVIEW 2011 ON REGULATIONS 2011** — Mr O'Donohue presented the Annual Review 2011 on Regulations 2011 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 11 of 2012 (including Appendices, an Extract from the Proceedings of the Committee and a Minority Report) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — OPPORTUNITIES FOR PARTICIPATION OF VICTORIAN SENIORS** — Ms Crozier presented a Report from the Family and Community Development Committee on Opportunities for Participation of Victorian Seniors, (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Crozier moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 9 July 2012 giving approval to the granting of a lease at Richmond Park Reserve.

Greater Metropolitan Cemeteries Trust — Report for the period ended 30 June 2011.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 42 and 80.

Melbourne Cricket Ground Trust — Report, 2011-12.

Planning and Environment Act 1987 —

Amendment 119 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Cardinia Planning Scheme Amendment C104.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C138.

Banyule Planning Scheme — Amendments C72 and C88.

Bass Coast Planning Scheme — Amendments C78 Part 3 and C105.

Baw Baw Planning Scheme — Amendments C78 and C85 Part 1.

Benalla Planning Scheme — Amendment C8.

Boroondara Planning Scheme — Amendments C107 and C157.

Brimbank Planning Scheme — Amendment C154.

Buloke Planning Scheme — Amendment C12.

Campaspe Planning Scheme — Amendments C40, C84 and C95.

Cardinia Planning Scheme — Amendment C146.

Casey Planning Scheme — Amendment C162.

Central Goldfields Planning Scheme — Amendment C23.

Colac Otway Planning Scheme — Amendment C65 Part 2.

Darebin Planning Scheme — Amendment C128.

East Gippsland Planning Scheme — Amendment C88.

Frankston Planning Scheme — Amendment C65.

Gannawarra Planning Scheme — Amendments C28 and C35.

Glen Eira Planning Scheme — Amendment C103.

Glenelg Planning Scheme — Amendment C68.

Greater Bendigo Planning Scheme — Amendments C166 Part 1 and C185.

Greater Geelong Planning Scheme — Amendments C165, C187, C214, C239, C245 and C260.

Greater Shepparton Planning Scheme — Amendments C93, C103 and C166.

Hobsons Bay Planning Scheme — Amendment C83.

Horsham Planning Scheme — Amendment C54.

- Hume Planning Scheme — Amendments C153, C161, C162 and C163.  
Indigo Planning Scheme — Amendments C24 and C59.  
Knox Planning Scheme — Amendments C87, C90, C105 and C113.  
Latrobe Planning Scheme — Amendments C26 and C71.  
Loddon Planning Scheme — Amendment C38.  
Manningham Planning Scheme — Amendment C59.  
Maribyrnong Planning Scheme — Amendments C72, C92, C107, C112 and C114.  
Melbourne Planning Scheme — Amendments C170 and C210.  
Melton Planning Scheme — Amendments C92, C109, C120, C121 and C129.  
Mildura Planning Scheme — Amendments C66, C68 and C69.  
Mitchell Planning Scheme — Amendments C81 and C82.  
Moirra Planning Scheme — Amendments C63, C72 and C73.  
Monash Planning Scheme — Amendment C117.  
Moonee Valley Planning Scheme — Amendments C98 and C125.  
Moreland Planning Scheme — Amendments C104 and C132.  
Mornington Peninsula Planning Scheme — Amendment C122.  
Mount Alexander Planning Scheme — Amendments C53 and C62.  
Moynne Planning Scheme — Amendments C40 and C49.  
Northern Grampians Planning Scheme — Amendment C38.  
Port Phillip Planning Scheme — Amendments C102 and C120.  
Pyrenees Planning Scheme — Amendment C35.  
Queenscliffe Planning Scheme — Amendments C22 and C24.  
Surf Coast Planning Scheme — Amendment C76.  
Swan Hill Planning Scheme — Amendments C39, C41, C42 and C49.  
Towong Planning Scheme — Amendment C23.  
Victoria Planning Provisions — Amendments VC87, VC90, VC91, VC92 and VC94.  
Wangaratta Planning Scheme — Amendment C36.  
Whittlesea Planning Scheme — Amendments C41 Part 4, C111, C148, C161 and C162.  
Wyndham Planning Scheme — Amendments C127, C154 and C160.  
Yarra Planning Scheme — Amendments C147 and C150.
- Prevention of Cruelty to Animals Act 1986 — Order in Council of 17 July 2012 under section 7(4).
- Statutory Rules under the following Acts of Parliament:
- Australian Consumer Law and Fair Trading Act 2012 — No. 62.
  - Building Act 1993 — Nos. 63 and 64.
  - Control of Weapons Act 1990 — No. 65.
  - Conveyancers Act 2006 — No. 73.
  - Co-operatives Act 1996 — No. 81.
  - County Court Act 1958 — No. 85.
  - Country Fire Authority Act 1958 — No. 66.
  - Electricity Safety Act 1998 — No. 51.
  - Emergency Management Act 1986 — No. 67.
  - Environment Protection Act 1970 — No. 52.
  - Gambling Regulation Act 2003 — No. 80.
  - Guardianship and Administration Act 1986 — No. 76.
  - Infringements Act 2006 — No. 58.
  - Juries Act 2000 — No. 60.
  - Magistrates' Court Act 1989 — No. 59.
  - Metropolitan Fire Brigades Act 1958 — No. 68.
  - Occupational Health and Safety Act 2004 — No. 57.
  - Planning and Environment Act 1987 — No. 77.
  - Plant Biosecurity Act 2010 — No. 49.
  - Port Management Act 1995 — No. 70.

- Residential Tenancies Act 1997 — No. 79.  
 Road Safety Act 1986 — Nos. 47, 71, 83 and 84.  
 Second-Hand Dealers and Pawnbrokers Act 1989 — No. 75.  
 Sentencing Act 1991 — No. 74.  
 Subdivision Act 1988 — No. 78.  
 Subordinate Legislation Act 1994 — Nos. 53, 54 and 82.  
 Supported Residential Services (Private Proprietors) Act 2010 — No. 61.  
 Transport (Compliance and Miscellaneous) Act 1983 — No. 55.  
 Victoria State Emergency Service Act 2005 — No. 69.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 50.  
 Water Act 1989 — Nos. 56 and 72.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 45, 46, 50, 52 to 55, 57 to 85.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Accounting and auditing venue requirements and gaming venue standards and operational requirements made under the Gambling Regulation Act 2003.  
 A Declaration of 13 June 2012 made under section 19 of the Victorian Energy Efficiency Target Act 2007.  
 A Declaration of 18 June 2012 made under the Road Safety Road Rules 2009.  
 Melbourne Market Authority By-Laws 2012 made under the Melbourne Market Authority Act 1977.  
 Ministerial Orders of 23 May 2012 and 18 June 2012 made under the Water Industry Act 1994.  
 Ministerial Orders of 16 June 2012 and 20 July 2012 made under the State Concessions Act 2004.  
 Ministerial Order of 20 June 2012 made under the Plant Biosecurity Act 2010.  
 Ministerial Order of 21 June 2012 made under the Flora and Fauna Guarantee Act 1988.  
 Ministerial Order of 21 June 2012 made under the Wildlife Act 1975.  
 Ministerial Order of 28 June 2012 made under the Livestock Disease Control Act 1994.  
 Ministerial Order of 3 July 2012 made under the City of Greater Geelong Act 1993.  
 Ministerial Order of 3 July 2012 made under the City of Melbourne Act 2001.  
 Ministerial Order of 3 July 2012 made under the Local Government Act 1989.  
 Order in Council of 17 July 2012 made under section 7(1) of the Prevention of Cruelty to Animals Act 1986.  
 Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2011-12.  
 TAFE Development Centre — Minister's report of receipt for the period ended 31 December 2011.  
 Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2011-12 report.

\* \* \* \* \*

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

- Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions (except Part 4.2, Part 5.2, sections 234, 235, 236 and 240, Schedule 3, clauses 6, 8 and 9 of Schedule 4, items 36.2, 36.3 and 36.5 of Schedule 6 and Schedule 7) — 1 July 2012 (*Gazette No. S214, 28 June 2012*).
- Courts and Sentencing Legislation Amendment Act 2012 — Remaining provisions — 16 July 2012 (*Gazette No. S237, 3 July 2012*).
- Education and Training Reform Amendment (Skills) Act 2010 — Section 59 — 1 August 2012 (*Gazette No. S256, 24 July 2012*).

Education Legislation Amendment (VET Sector, Universities and Other Matters) Act 2012 — Remaining provisions (except Part 2 and section 50) — 1 August 2012; Part 2 — 1 October 2012 (*Gazette No. S267, 31 July 2012*).

Gambling Legislation Amendment (Transition) Act 2012 — Remaining provisions — 16 August 2012 (*Gazette No. S273, 7 August 2012*).

Gambling Regulation Amendment (Licensing) Act 2010 — Remaining provisions — 16 August 2012 (*Gazette No. S273, 7 August 2012*).

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 69 and 70 — 15 August 2012; Remaining provisions (except section 42) — 16 August 2012 (*Gazette No. S273, 7 August 2012*).

Gambling Regulation Further Amendment Act 2009 — Remaining provisions — 16 August 2012 (*Gazette No. S273, 7 August 2012*).

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012 — Part 1 and section 10 — 1 July 2012 (*Gazette No. S222, 29 June 2012*).

Justice Legislation Further Amendment Act 2010 — Remaining provisions — 16 August 2012 (*Gazette No. S273, 7 August 2012*).

Primary Industries Legislation Amendment Act 2012 — Whole Act (except sections 17 and 18) — 1 September 2012 (*Gazette No. S267, 31 July 2012*).

Royal Women's Hospital Land Act 2012 — 29 June 2012 (*Gazette No. S214, 28 June 2012*).

\* \* \* \* \*

**BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR FINAL REPORT** — Pursuant to section 21 of the of the *Bushfires Royal Commission Implementation Monitor Act 2011*, the Clerk laid on the Table a copy of the Final Report of the Bushfires Royal Commission Implementation Monitor, July 2012.

**7 PRODUCTION OF DOCUMENT — CARBON PRICING EFFECTS ON HOSPITALS** — The Clerk laid on the Table a copy of the Sinclair Knight Merz report investigating the effects of carbon pricing on Victoria's hospitals, August 2011 received in accordance with the Resolution of the Council of 20 June 2012.

On the motion of Ms Pennicuik (for Mr Barber), the report was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 15 August 2012:

- (1) Notice of Motion No. 368 standing in the name of Mr Barber referring a matter to the Economic Development and Infrastructure Committee;
- (2) Order of the Day No. 24, consideration of the Minister for Health's answers to a question without notice relating to diesel emissions health studies;
- (3) Notice of Motion No. 343 standing in the name of Mr Somyurek referring a matter to the Economic Development and Infrastructure Committee; and
- (4) the Notice of Motion given this day by Ms Pulford relating to public housing.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business and Orders of the Day, Government Business Nos. 1 to 4, be postponed until later this day.

**11 CARBON TAX IMPACT ON HEALTH SERVICES** — Debate resumed on the question, That this House —

- (1) calls on the Commonwealth Government to provide full and timely compensation to Victorian health services and health providers for the significant cost impacts in public and community health services of the Commonwealth's Carbon Tax; and

- (2) notes that when other Commonwealth taxes such as the Goods and Services Tax were applied, health services were exempt and the same principles should apply to the Carbon Tax.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh ( <i>Teller</i> )
Mr D.M Davis	Mr Elasmarr
Mr P.R. Davis	Ms Hartland ( <i>Teller</i> )
Mr Drum	Mr Jennings
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

- 12 ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned until Thursday, 16 August 2012.

- 13 PLANNING AND ENVIRONMENT ACT 1987 — PLANNING SCHEME AMENDMENTS** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C190, Casey Planning Scheme Amendment C170, Hume Planning Scheme Amendment C166, Melton Planning Scheme Amendment C128, Mitchell Planning Scheme Amendment C100, Whittlesea Planning Scheme Amendment C167 and Wyndham Planning Scheme Amendment C180 be ratified.

Debate ensued.

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

- 14 PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — 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, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum ( <i>Teller</i> )	Ms Hartland
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Bill read a second time.

On the motion of Mr Guy, the Bill was ordered to be committed to a Committee of the whole on the next day of meeting.

#### 15 PLANNING AND ENVIRONMENT ACT 1987 — PLANNING SCHEME AMENDMENTS —

Debate resumed on the question, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C190, Casey Planning Scheme Amendment C170, Hume Planning Scheme Amendment C166, Melton Planning Scheme Amendment C128, Mitchell Planning Scheme Amendment C100, Whittlesea Planning Scheme Amendment C167 and Wyndham Planning Scheme Amendment C180 be ratified.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr Rich-Phillips moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad ( <i>Teller</i> )
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg ( <i>Teller</i> )	Ms Pulford ( <i>Teller</i> )
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek

Mr O'Donohue ( <i>Teller</i> )	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Debate continued on the question, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C190, Casey Planning Scheme Amendment C170, Hume Planning Scheme Amendment C166, Melton Planning Scheme Amendment C128, Mitchell Planning Scheme Amendment C100, Whittlesea Planning Scheme Amendment C167 and Wyndham Planning Scheme Amendment C180 be ratified.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr ( <i>Teller</i> )
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos ( <i>Teller</i> )
Mr Guy	Mr Pakula
Mr Hall ( <i>Teller</i> )	Ms Pennicuik
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mr Ondarchie	Ms Tierney
Mrs Petrovich ( <i>Teller</i> )	Mr Viney
Mrs Peulich	
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

**16 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.46 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 81 — Wednesday, 15 August 2012

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**HOODED PLOVER NESTING PROTECTION** — Mr O'Donohue presented a Petition bearing 808 signatures from certain citizens of Victoria requesting that the Government, through Parks Victoria, establishes a strategy for Hooded Plover nesting protection within the

Mornington Peninsula National Park that bans dogs from all ocean beaches where Hooded Plovers breed for the period of time that Hooded Plovers are nesting until their chicks have fledged.

Ordered to lie on the Table.

\* \* \* \* \*

**NATIONAL CENTRE FOR FARMER HEALTH** — Ms Tierney presented a Petition bearing 166 signatures from certain citizens of Victoria requesting that the Government immediately reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.

Ordered to lie on the Table.

- 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 Reports on —  
 Carer Support Programs, August 2012.  
 Investment Attraction, August 2012.  
 Ombudsman — Report, 2011-12, Part 1.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — YALLOURN BROWN COAL MINE FLOODING** — Mr Barber moved, That, under section 33 of the *Parliamentary Committees Act 2003*, the Economic Development and Infrastructure Committee is required to inquire into, consider and report no later than the last Thursday in April 2013 on the causes of the Yallourn brown coal mine flooding on 6 June 2012 and the implications for the environment, worker safety and energy supply of such events.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula ( <i>Teller</i> )	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 6 DIESEL EMISSIONS HEALTH STUDIES** — Ms Hartland moved, That the Council take note of the Minister's Answers to Question without Notice and Supplementary Question, regarding Diesel Emissions Health Studies.

Debate ensued.

Question — put and agreed to.

**7 ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — GOVERNMENT PROCUREMENT POLICIES** — Mr Somyurek moved, That, under section 33 of the *Parliamentary Committees Act 2003*, the Economic Development and Infrastructure Committee is required to inquire into, consider and report no later than 30 April 2013 on the economic development implications of Victorian Government procurement policies, in particular, the Committee should —

- (1) investigate the procurement policies of the Victorian Government, its departments and agencies;
- (2) assess the impact of those policies on the Victorian economy, in particular the impact on —
  - (a) employment within Victoria;
  - (b) locally-based industries; and
  - (c) the financial position of the State; and
- (3) compare Victorian Government policies with those in other jurisdictions.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — GOVERNMENT PROCUREMENT POLICIES** — Debate continued on the question, That under section 33 of the *Parliamentary Committees Act 2003*, the Economic Development and Infrastructure Committee is required to inquire into, consider and report no later than 30 April 2013 on the economic development implications of Victorian Government procurement policies, in particular, the Committee should —

- (1) investigate the procurement policies of the Victorian Government, its departments and agencies;
- (2) assess the impact of those policies on the Victorian economy, in particular the impact on —
  - (a) employment within Victoria;
  - (b) locally-based industries; and
  - (c) the financial position of the State; and
- (3) compare Victorian Government policies with those in other jurisdictions.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber (*Teller*)  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

- 10 BUSINESS OF THE COUNCIL** — Mr Leane moved, by leave, That Statements on Reports and Papers be taken at 5.00 p.m. this day.

Question — put and agreed to.

- 11 PUBLIC HOUSING PROVISION** — Ms Pulford moved, That this House condemns the Baillieu-Ryan Government's poor performance in relation to the provision of public housing for the most vulnerable people in our community and notes that the Government —
- (1) has provided no new funding to build new housing since coming to office in 2010;
  - (2) refuses to rule out privatisation of public housing;
  - (3) threatens to increase rents;
  - (4) plans to introduce fixed term tenure; and
  - (5) has cut funding to the Social Housing Advocacy and Support Program, placing Victorians that are homeless or at risk of homelessness in an even more precarious position;

and notes that the public consultation period on the Government's 'Pathways to a Fair and Sustainable Social Housing System' ended on 31 July 2012, and calls on the Government to provide certainty to public housing tenants by clearly stating its intentions in relation to asset sales, tenure and rental increases.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to an Order of the Council this day, the debate stood adjourned in the name of Mr Elsbury —*

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

Mr D.M. Davis having given an explanation as to why certain responses had not been provided, Mr Lenders moved, That the Council take note of the explanation.

Debate ensued.

Question — put and agreed to.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 82 — Thursday, 16 August 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR GEORGE CRAWFORD** — The President advised the House of the death on 7 August 2012 of Mr George Crawford, Member of the Legislative Council for Jika Jika Province from 1985 to 1992.  
Members stood in their places as a mark of respect to the memory of the late Mr Crawford.
- 3 **PETITION — YARRAMBAT AND DIAMOND CREEK REZONING** — Mr Barber presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Government rezone lands located in Yarrambat and Diamond Creek on the west side of Ironbark Road and include these properties within the Urban Growth Boundary.

Ordered to lie on the Table.

- 4 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:  
Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the Review of the 2009-10 and 2010-11 Annual Reports.
- 5 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 28 August 2012.  
Question — put and agreed to.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 8 FORESTS AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Mr Lenders moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to the Environment and Natural Resources Committee for inquiry, consideration and report."

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford ( <i>Teller</i> )	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis ( <i>Teller</i> )	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier ( <i>Teller</i> )	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Mr Leane

Mr Elsbury	Mr Lenders
Mr Finn	Ms Mikakos
Mr Guy	Mr Pakula
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek ( <i>Teller</i> )
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mr Ondarchie	Ms Tierney ( <i>Teller</i> )
Mrs Petrovich ( <i>Teller</i> )	Mr Viney
Mrs Peulich	
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04

**HOME AND COMMUNITY CARE FUNDING** — Mr D.M. Davis having given an answer to a question without notice relating to home and community care funding —

On the motion of Ms Pulford, the Minister's answer and subsequent clarification were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**AUSLAN COURSES** — Mr Hall having given an answer to a question without notice relating to Auslan courses —

On the motion of Ms Hartland, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**10 FORESTS AMENDMENT BILL 2012** — Bill further considered in Committee.

Bill reported without amendment, the Report was adopted.

Mr D.M Davis 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, 19

Mr Atkinson  
Mrs Coote (*Teller*)  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis (*Teller*)  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mrs Petrovich  
Mrs Peulich

NOES, 17

Mr Barber  
Ms Broad  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)  
Ms Tierney  
Mr Viney

Mr Ramsay  
Mr Rich-Phillips

Question agreed to.

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

- 11 ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012** — 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.

- 12 CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009 and the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr Dalla-Riva) the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 13 ROAD SAFETY AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 14 CRIMINAL PROCEDURE AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989, the Drugs, Poisons and Controlled Substances Act 1981, the Sentencing Act 1991, the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Hall (for Mr Dalla-Riva) the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 15 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989, the City of Melbourne Act 2001 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 16 PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Port Management Act 1995 and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 17 RESIDENTIAL TENANCIES AMENDMENT BILL 2012** — 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.

- 18 PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Guy 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, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Mr Eideh

Mr D.M. Davis

Mr Elasmarr

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland (*Teller*)

Mr Elsbury (*Teller*)

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos (*Teller*)

Mr Hall

Mr Pakula

Mr Koch (*Teller*)

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie

Mr Tee

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

**19 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.57 p.m. adjourned until Tuesday, 28 August 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 80, 81 and 82

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Thursday, 16 August 2012

### 1 FORESTS AMENDMENT BILL 2012

**Clause 1** — Debate commenced.

Mr Lenders moved, That the Deputy President report progress and ask leave to sit again.  
Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik (*Teller*)  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich (*Teller*)  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Question negatived.

**Clauses 1 to 24** — put and agreed to.

**Bill reported without amendment.**

### 2 PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012

**Clauses 1 to 11** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 83, 84 and 85

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### No. 83 — Tuesday, 28 August 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 17 August 2012 —  
*Road Safety and Sentencing Acts Amendment Act 2012.*
  - On 21 August 2012 —  
*Forests Amendment Act 2012*  
*Residential Tenancies Amendment Act 2012.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITION — PAKENHAM GREEN WEDGE DEVELOPMENT** — Mr Scheffer presented a Petition bearing 292 signatures from certain citizens of Victoria requesting that the Government stop any plans to develop green wedge land at Pakenham unless there is an independent review looking at the community's need for open space and a funded plan to deal with the impact on schools, roads, public transport and other infrastructure.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE — ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012** — Mrs Coote presented a Report from the Economy and Infrastructure Legislation Committee on the Road Safety Amendment (Car Doors) Bill 2012 (including Appendices, an Extract from the Proceedings of the Committee and a Minority Report), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be printed.  
Mrs Coote moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.  

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**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 12 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

**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 Orders of 8 June 2012, 20 June 2012 and 13 August 2012 giving approval to the granting of a lease and licences at Camperdown Public Park Reserve.

Minister's Order of 15 August 2012 giving approval to the granting of a lease at Queens Park Reserve.

Minister's Order of 20 August 2012 giving approval to the granting of a licence at Alexandra Gardens and Alexandra Park Reserve.

Linking Melbourne Authority — Report, 2011-12.

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

Brimbank Planning Scheme — Amendment C131.

Campaspe Planning Scheme — Amendment C88.

Corangamite Planning Scheme — Amendment C32.

Greater Bendigo Planning Scheme — Amendment C129.

Greater Geelong Planning Scheme — Amendment C249.

Hobsons Bay Planning Scheme — Amendment C89.

Hume Planning Scheme — Amendment C142.

Macedon Ranges Planning Scheme — Amendment C71.

Melton Planning Scheme — Amendment C124.

Moonee Valley Planning Scheme — Amendments C106 and C110.

Stonnington Planning Scheme — Amendment C165.

Warrnambool Planning Scheme — Amendment C86.

Wyndham Planning Scheme — Amendment C146.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the Welfare of Horses Competing at Bush Race Meetings and Code of Practice for the Welfare of Horses Competing at Bush Race Meetings (Revision 1).

Road Safety Camera Commissioner — Report, 2011-12.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2011.

**6 BUSINESS OF THE COUNCIL** — Mr Leane moved, by leave, That precedence be given to the following General Business on Wednesday, 29 August 2012:

- (1) the Notice of Motion given this day by Mr Tee to revoke Amendment C102 to the Port Phillip Planning Scheme;
- (2) Notice of Motion No. 384 standing in the name of Mr Barber relating to the provision of the 'Air Emission Study and Human Health Risk Assessment Alcoa Anglesea Power Station' report;
- (3) the Notice of Motion given this day by Mr Somyurek relating to Victoria's automobile industry;
- (4) the Notice of Motion given this day by Mr Lenders relating to the priorities of the Government;
- (5) Order of the Day No. 32, consideration of a Minister's answer to a question without notice in relation to Auslan Courses.
- (6) the Notice of Motion given this day by Mr Lenders to take note of a press release; and
- (7) Order of the Day No. 12, consideration of a petition in relation to duck shooting.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

- 9 CRIMINAL PROCEDURE AMENDMENT BILL 2012** — 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 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.
- 10 ROAD SAFETY AMENDMENT BILL 2012** — 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 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.
- 11 CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Ms Lovell (for Mr O'Brien), the debate was adjourned until the next day of meeting.
- 12 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
And then the Council, at 9.41 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 84 — Wednesday, 29 August 2012**

- 1** The President took the Chair and read the Prayer.
- 2 PETITIONS — SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Tee and Mr Leane each presented Petitions bearing 719 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.  
Ordered to lie on the Table.  
On the motion of Mr Leane, the petition was ordered to be taken into consideration on the next day of meeting.
- 3 PAPERS — ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — FLOOD MITIGATION INFRASTRUCTURE** — Mr Koch presented a Report from the Environment and Natural Resources Committee on Flood Mitigation Infrastructure in Victoria (including Appendices), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be printed.  
Mr Koch moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.

**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, 2011-12.

Auditor-General's Reports on —

Fare Evasion on Public Transport, August 2012.

Programs for Students with Special Learning Needs, August 2012.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January-June 2009 and follow-up of PAEC Reports 82, 86 and 91.

Statutory Rules under the following Acts of Parliament:

Electoral Act 2002 — No. 86.

Health Records Act 2001 — No. 87.

Water Act 1989 — No. 88.

**4 PRODUCTION OF DOCUMENTS — GOULBURN MURRAY IRRIGATION DISTRICT** — The Clerk laid on the Table a letter from the Minister for Water in response to the Resolution of the Council of 2 May 2012 seeking the production of documents relating to all correspondence between the Minister for Water, any Government departments and Goulburn-Murray Water in relation to the preparation and postage of a letter dated 12 April 2012 addressed to irrigators from the Minister for Water, regarding the Goulburn-Murray Irrigation District Update, file no. 033/32157/956 —

- referring to his letter of 24 May 2012 advising that the Government required additional time to respond to the resolution;
- confirming that the Government arranged for the Department of Sustainability and Environment to identify documents captured by the resolution; and
- advising that no documents relevant to the terms of the resolution have been identified.

On the motion of Mr Barber, the letter was ordered to be taken into consideration on the next day of meeting.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 PORT PHILLIP PLANNING SCHEME AMENDMENT C102** — Mr Tee moved, That Amendment C102 to the Port Phillip Planning Scheme be revoked.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**8 PORT PHILLIP PLANNING SCHEME AMENDMENT C102** — Debate continued on the question, That Amendment C102 to the Port Phillip Planning Scheme be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmr

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn (*Teller*)

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall

Ms Pennicuik (*Teller*)

Mr Koch

Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 9 PRODUCTION OF DOCUMENTS — ALCOA ANGLESEA POWER STATION** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Wednesday, 12 September 2012, a copy of the Air Emission Study and Human Health Risk Assessment Alcoa Anglesea Power Station, September 2008.

Debate ensued.

Question — put and agreed to.

- 10 AUTOMOBILE INDUSTRY** — Mr Somyurek moved, That this House supports strategic co-investment to the Victorian automobile industry and —

- (1) calls on all Members of Federal Parliament to commit to strategic co-investment to the Victorian automobile industry;
- (2) calls on the Premier to lobby the Leader of the Opposition, Mr Tony Abbott, MP, to ensure that strategic co-investment would be available to support the automobile industry should the Coalition win the next federal election;
- (3) notes that key members of the Federal Opposition such as the Shadow Treasurer, Mr Joe Hockey, MP, and former leader and current Shadow Minister for Communications and Broadband, Mr Malcolm Turnbull, MP, have recently expressed opposition to strategic co-investment in the automobile industry; and
- (4) notes that Victoria is the heart of the Australian automobile industry with tens of thousands Victorians employed in the automobile and automobile component parts industry.

Debate ensued.

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

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 402, be postponed until later this day.

- 12 AUSLAN COURSES** — Ms Hartland moved, That the Council take note of the Minister's answer to a question without notice on 16 August 2012 in relation to Auslan courses.

Debate ensued.

Question — put and agreed to.

- 13 GOVERNMENT'S JOBS PLAN** — Mr Lenders moved, That this House notes —

- (1) it is now 641 days since the election of the Baillieu-Ryan Government;
- (2) the first act of the Government was to increase the size of the cabinet by 10%;
- (3) 29,500 full-time jobs have been lost in regional Victoria in this time and the Government is yet to develop a jobs plan for regional Victoria;
- (4) 400 jobs have been cut from the Department of Sustainability and Environment, 200 from the Department of Primary Industries and many hundreds more lost through the gutting of regional TAFE providers;
- (5) that the priorities of the super-sized Baillieu-Ryan Government have included —
  - (a) an expensive taxpayer funded study into the legendary 'big cat';
  - (b) a design competition for Flinders Street Station without any capital works money behind it;
  - (c) moving the Red Bull Air Race from Geelong to Melbourne; and

(d) renaming Government House Drive to Diamond Jubilee Boulevard;  
and calls on the Premier and his 21 Ministers to focus on measures that will deliver real jobs to regional Victoria.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Lenders —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Mr D. M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

Mr D.M. Davis having given an explanation as to why certain responses had not been provided, Mr Lenders moved, That the Council take note of the explanation.

Debate ensued.

Question — put and agreed to.

And then the Council, at 7.14 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 85 — Thursday, 30 August 2012

1 The President took the Chair and read the Prayer.

**2 PETITIONS — PLANNING — ‘CODE ASSESS’ LEGISLATION** — Mr Tee and Mr Jennings each presented Petitions bearing 2,988 and 2,842 signatures, respectively, from certain citizens of Victoria requesting that the Government withdraw proposed amendments to the *Planning and Environment Act 1987* that will remove community consultation from the development approval process and consult with the community to ensure that any proposal protects and improves, rather than destroys our neighbourhoods.

Ordered to lie on the Table.

**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:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 87.

Taxi Services Commission — Report, 2011-12.

**4 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**6 CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012** — 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.

**7 BUSINESS OF THE COUNCIL** — Mr D.M. Davis moved, That the Council meet at the Town Hall in the City of Greater Bendigo at 9.30 a.m. on Thursday, 6 September 2012 and that the Standing and Sessional Orders be suspended to the extent necessary to enable —

(1) the Lord’s Prayer to be read by the Very Reverend John Roundhill, Anglican Dean of Bendigo;

- (2) the Proclamation to be read by the Clerk;
- (3) Councillor Alec Sandner, Mayor, City of Greater Bendigo, to attend on the floor of the House to address the House;
- (4) Messages;
- (5) Formal Business;
- (6) Members' Statements (up to 15 Members);
- (7) Government Business;
- (8) At 12 noon Questions without notice;
- (9) Answers to Questions on notice;
- (10) At 2.30 pm Government Business; and
- (11) At 6.00 pm Adjournment.

Debate ensued.

Question — put and agreed to.

- 8 WORKING WITH CHILDREN AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**CFMEU BLOCKADE OF EMPORIUM BUILDING SITE** — Mr Dalla-Riva having given an answer to a question without notice relating to the CFMEU blockade of the Emporium building site —

On the motion of Mrs Peulich, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**NATIONAL DENTAL SCHEME** — Mr D.M. Davis having given an answer to a question without notice relating to the National Dental Scheme —

On the motion of Ms Hartland, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**BENDIGO HEALTH EBA NEGOTIATIONS** — Mr D.M. Davis having given an answer to a question without notice and supplementary question relating to Bendigo Health EBA negotiations —

On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 10 WORKING WITH CHILDREN AMENDMENT BILL 2012** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, 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 with amendments and requesting their agreement.

- 11 DEATH OF AUSTRALIAN DEFENCE FORCE PERSONNEL** — The President announced that five Australian Defence Force soldiers had been killed in two separate incidents in Afghanistan in the past 24 hours.

Members stood in their places as a mark of respect to the memory of the deceased.

- 12 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Thursday, 6 September 2012.

Question — put and agreed to.

- 13 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AMENDMENT 119** — Mr Guy moved, That pursuant to section 46D of the *Planning and Environment Act 1987*, Amendment 119 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Mikakos

Mr O'Brien (*Teller*)

Mr O'Donohue

Mr Ondarchie

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer (*Teller*)

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

- 14 ENERGY LEGISLATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

**15 RACING LEGISLATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**16 EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Evidence Act 2008 to provide for journalist privilege and other matters, to make consequential and other amendments to the Coroners Act 2008, the Evidence (Miscellaneous Provisions) Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**17 RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 to make further provision for matters relating to Part 4A parks and rooming houses and to establish a register of rooming houses, to amend the Public Health and Wellbeing Act 2008 in relation to the registration of rooming houses, to amend the Business Licensing Authority Act 1998 in relation to delegation powers, to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Sale of Land Act 1962 in relation to contracts for the sale of lots in a plan of subdivision and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Tee, the debate was adjourned for one week.

**18 COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act relating to the interstate transfer of community based sentences and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**19 CARDINIA PLANNING SCHEME AMENDMENT C104** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C104 be ratified.

Debate ensued.

Question — put and agreed to.

**20 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.23 p.m., adjourned until Thursday, 6 September 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 83, 84 and 85

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**Tuesday, 28 August 2012**

### 1 CRIMINAL PROCEDURE AMENDMENT BILL 2012

**Clauses 1 to 28** — put and agreed to.

**Clause 29** — Ms Pennicuik moved —

1. Clause 29, line 25, omit "not to draw" and insert "that it is routine practice for the evidence of a complainant who is under the age of 18 years or has a cognitive impairment to be given at a special hearing and that the jury must not draw".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
Ms Broad (*Teller*)  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 29 — put and agreed to.

**Clauses 30 to 48** — put and agreed to.

**Bill reported without amendment.**

### 2 ROAD SAFETY AMENDMENT BILL 2012

**Clauses 1 to 32** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 30 August 2012

### 1 WORKING WITH CHILDREN AMENDMENT BILL 2012

**Clauses 1 to 16** — put and agreed to.

**Clause 17** — Mr Dalla-Riva moved —

1. Clause 17, lines 4 to 33, omit all words and expressions on these lines and insert—  
 'For clause 102 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**,  
**substitute—**  
**"102 Review of category 2 application**  
 (1) If the proceeding relates to the giving of a negative notice on a category 2 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine that it is appropriate to refuse to give an assessment notice unless satisfied that giving the assessment notice would not pose an unjustifiable risk to the safety of children having regard to any matters to which the Secretary must have regard under section 13(2) of that Act.  
 (2) In satisfying itself that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must be satisfied that—  
 (a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work; and  
 (b) the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.  
 (3) Even if the Tribunal is satisfied under subclauses (1) and (2) that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice."'.

Question — That the amendment be agreed to — put and agreed to.

Clause 17, as amended — put and agreed to.

**Clause 18** — Mr Dalla-Riva moved —

2. Clause 18, lines 2 to 29, omit all words and expressions on these lines and insert—  
 'For clause 103 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**,  
**substitute—**  
**"103 Review of category 3 application**  
 (1) If the proceeding relates to the giving of a negative notice on a category 3 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine whether in the particular circumstances it would be appropriate to refuse to give an assessment notice, having regard to any matters to which the Secretary must have regard under section 14(3) of that Act.  
 (2) The Tribunal must determine that it is appropriate to refuse to give an assessment notice unless the Tribunal is satisfied that—  
 (a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work; and  
 (b) the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.  
 (3) Even if the Tribunal does not determine under subclause (1) or (2) that it would be appropriate to refuse to give an assessment notice, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice."'.

Question — That the amendment be agreed to — put and agreed to.

Clause 18, as amended — put and agreed to.

**Clauses 19 to 21** — put and agreed to.

**Bill reported with amendments.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 86

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### No. 86 — Thursday, 6 September 2012

- 1 The Council met in Bendigo pursuant to the Proclamation of the Governor of 7 August 2012, and to the terms of the Resolution of the Legislative Council on 30 August 2012.  
The President took the Chair and the Very Reverend John Roundhill, Anglican Dean of Bendigo read the Prayer.
- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Seventh Parliament was read by the Clerk and is as follows:

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#### CONSTITUTION ACT 1975 PROCLAMATION LOCATION OF DESPATCH OF BUSINESS OF THE LEGISLATIVE COUNCIL

I, Hon. Alex Chernov, Governor of Victoria, acting pursuant to section 8 of the *Constitution Act 1975*,  
HEREBY:

- a. fix the Bendigo Town Hall, 189-193 Hargreaves Street, Bendigo as the place for the despatch of business of the Legislative Council on 6 September 2012 until the completion of its business on that day or, if necessary, the following day; and
- b. confirm that the place for the despatch of business of the Legislative Council shall thereafter revert to Parliament House, Melbourne.

Given under my Hand and the Seal of Victoria, at Melbourne, this 7 August 2012.

HON ALEX CHERNOV AC QC  
Governor  
By His Excellency's Command

HON TED BAILLIEU MLA  
Premier of Victoria

- 3 **ADDRESS BY PRESIDENT AND PARTY LEADERS** — The President, Mr D. M. Davis, Mr Lenders, Mr Hall and Mr Barber addressed the House.
- 4 **ADDRESS BY MAYOR OF THE CITY OF GREATER BENDIGO** — Pursuant to an order of the Council on 30 August 2012, the President invited Councillor Alec Sandner, Mayor of the City of Greater Bendigo, to attend on the floor of the House and address the House.  
Accordingly, Councillor Alec Sandner, Mayor of the City of Greater Bendigo, was escorted into the Chamber by the Usher of the Black Rod and addressed the House.  
*Having concluded his address, Councillor Sandner was provided with a seat on the floor of the House.*

- 5 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 4 September 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Criminal Procedure Amendment Act 2012*

*Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Act 2012*

*Road Safety Amendment Act 2012.*

- 6 PETITIONS** —

**TAFE FUNDING** — Mr Leane and Mr Tarlamis each presented Petitions bearing 1,057 and 690 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

On the motion of Mr Leane, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**SOCIAL HOUSING SYSTEM** — Mr Lenders presented a Petition bearing 126 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Minister for Housing to not raise rents or privatise public housing and to maintain public housing tenants' security of tenure.

Ordered to lie on the Table.

On the motion of Mr Lenders, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Scheffer presented a Petition bearing 1,339 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

On the motion of Mr Scheffer, the petition was ordered to be taken into consideration on the next day of meeting.

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

Crimes Act 1958 — Chief Commissioner of Police's authority to conduct forensic procedures, pursuant to section 464Z(1) of the Act.

Crown Land (Reserves) Act 1978 — Minister's Order of 27 August 2012 giving approval to the granting of a lease and licence at Barwon Heads Park.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal, pursuant to section 65AB(2)(b) of the Act.

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

Greater Shepparton Planning Scheme — Amendment C136 Part 2.

Mildura Planning Scheme — Amendment C60.

Mornington Peninsula Planning Scheme — Amendments C137 and C150.

Rural Finance Corporation of Victoria — Report, 2011-12.

Statutory Rules under the following Acts of Parliament:

Australian Consumer Law and Fair Trading Act 2012 — No. 89.

Catchment and Land Protection Act 1994 — No. 90.

Conservation, Forests and Lands Act 1987 — No. 93.

Crown Land (Reserves) Act 1978 — No. 92.

Forests Act 1958 — No. 91.

Subordinate Legislation Act 1994 — No. 94.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 86, 88, 89, 90 and 94.

Young Farmers' Finance Council — Report, 2011-12.

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

Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions (except section 240 and Schedule 7) — 1 September 2012 (*Gazette No. S291, 28 August 2012*).

Parks and Crown Land Legislation Amendment Act 2012 — 1 September 2012 (*Gazette No. S291, 28 August 2012*).

**8 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 11 September 2012.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 205, 342, 366, 380, 387 to 389, 391, 393 to 395, 397, 398 and 413, be postponed until later this day.

**11 STATE'S MINERAL EMBLEM** — Mr D.M. Davis moved, That, noting its significance to the history and development of the State, this House recommends that 'gold' be declared the mineral emblem for the State of Victoria.

Debate ensued.

Question — put and agreed to.

**12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**BENDIGO AIRPORT UPGRADE** — Mr Rich-Phillips having given an answer to a question without notice relating to the Bendigo Airport upgrade —

On the motion of Mrs Petrovich, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**13 BENDIGO AND NORTHERN VICTORIA REGION SUPPORT** — Mr D.M. Davis moved, That this House notes the strong support provided to Bendigo and the Northern Victoria Region by the Baillieu Government.

Debate ensued.

Mr Lenders moved, as an amendment, That after "Baillieu Government" the following be inserted —

"in limited areas, and the budget cuts that have damaged —

(a) the TAFE system;

(b) the housing sector by the abandonment of financial support for first home-buyers building new homes; and

(c) regional jobs and services by jobs cuts in the Department of Sustainability and Environment and the Department of Primary Industries."

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr (*Teller*)

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland (*Teller*)

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Ms Mikakos

Mr Guy

Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

Amendment negatived.

Question — That this House notes the strong support provided to Bendigo and the Northern Victoria Region by the Baillieu Government — put and agreed to.

**14 RACING LEGISLATION AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Pakula was circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Hartland moved, That the Racing Legislation Amendment Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report, by 29 November 2012.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson  
 Ms Broad (*Teller*)  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich

Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

**15 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.43 p.m., adjourned until Tuesday, 11 September 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 87, 88 and 89

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### No. 87 — Tuesday, 11 September 2012

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

3 **PETITIONS** —

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Leane and Mr Scheffer each presented Petitions bearing 451 and 689 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

\* \* \* \* \*

**TAFE FUNDING** — Mr Leane and Mr Scheffer each presented Petitions bearing 333 and 130 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**PUFFING BILLY RAILWAY LINE** — Mr Scheffer presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Government commit \$15 million to ensure the survival of the Puffing Billy historic railway line.

Ordered to lie on the Table.

4 **PAPERS** —

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 13 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Child Safety Commissioner — Report, 2011-12.

Dairy Food Safety Victoria — Minister's report of receipt of 2011-12 report.

Disability Services Commissioner — Report, 2011-12.

Energy Safe Victoria — Report, 2011-12.

Essential Services Commission — Report, 2011-12.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 80.

Melbourne and Olympic Parks Trust — Report, 2011-12.

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

Banyule Planning Scheme — Amendment C64.

Boroondara Planning Scheme — Amendment C166.

Greater Bendigo Planning Scheme — Amendment C139 Part 1.

Nillumbik Planning Scheme — Amendment C76.

Port of Hastings Development Authority — Report for the period 1 January 2012 to 30 June 2012.

Queen Victoria Women's Centre Trust — Minister's report of receipt of 2011-12 report.

Racing Integrity Commissioner's Office — Report, 2011-12.

Regional Development Victoria — Report, 2011-12.

Shrine of Remembrance Trustees — Minister's report of receipt of 2011-12 report.

State Sport Centres Trust — Report, 2011-12.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 95.

Supreme Court Act 1986 — Nos. 96 and 97.

Working with Children Act 2005 — No. 98.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 91, 92 and 95 to 97.

Legislative Instrument and related documents under section 16B in respect of an interim ban order of 23 August 2012 on the supply of small, separable or loose permanent magnetic objects under the Australian Consumer Law and Fair Trading Act 2012.

Victorian Veterans Council — Minister's report of receipt of 2011-12 report.

Water Act 1989 —

Little Yarra and Don Rivers Water Supply Protection Area Stream Flow Management Plan 2012.

Woori Yallock Creek Water Supply Protection Area Stream Flow Management Plan 2012.

**5 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 12 September 2012:

- (1) Notice of Motion No. 416 standing in the name of Ms Broad referring a matter to the Education and Training Committee relating to the impact of TAFE funding cuts in the Bendigo region;
- (2) Notice of Motion No. 365 standing in the name of Ms Hartland relating to the production of documents relating to VicTrack and the Maryborough Highland Society;
- (3) the Notice of Motion given this day by Ms Pulford relating to the Sustainable Government Initiative;
- (4) Notice of Motion No. 415 standing in the name of Ms Pennicuik referring a matter to the Legal and Social Issues References Committee relating to the misuse of government training subsidies;
- (5) Notice of Motion No. 400 standing in the name of Mr Lenders to take note of a press release by the Minister for Energy and Resources, Mr Michael O'Brien, MP; and
- (6) Order of the Day No. 8, consideration of a petition in relation to duck shooting.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**8 RACING LEGISLATION AMENDMENT BILL 2012** — Bill committed to a 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.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 5, be postponed until later this day.

- 10 ENERGY LEGISLATION AMENDMENT BILL 2012** — 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.

- 11 EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik 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.

- 12 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 8.54 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 88 — Wednesday, 12 September 2012

- 1** The President took the Chair and read the Prayer.

- 2 PETITIONS** —

**FARMER HEALTH** — Mr Leane (for Ms Tierney) presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**GREEN WEDGE DEVELOPMENT** — Mr Tee presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Government stop the current review to turn green wedge land into commercial and housing developments, and agree to strengthen and grow rather than reduce green wedge space.

Ordered to lie on the Table.

- 3 PAPERS** —

**DEPARTMENTS OF THE LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES** — Mr Viney moved, by leave, That there be laid before this House a copy of the Departments of the Legislative Council and Parliamentary Services Reports, 2011-12.

Question — put and agreed to.

The Reports were presented by Mr Viney and ordered to lie on the Table.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2012-13 BUDGET ESTIMATES, PART TWO** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the 2012-13 Budget Estimates, Part Two (including Appendices).

Ordered to lie on the Table and to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 — Report on Energy Efficiency in the Health Sector, September 2012.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2011-12.

Heritage Council of Victoria — Minister's report of receipt of 2011-12 report.

Mental Health Review Board incorporating the Psychosurgery Review Board — Report, 2011-12.

Phytogene Pty Ltd — Minister's report of receipt of 2011-12 report.

Plumbing Industry Commission — Report, 2011-12.

Premier and Cabinet Department — Report, 2011-12.

Primary Industries Department — Report, 2011-12.

PrimeSafe — Minister's report of receipt of 2011-12 report.

Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 4 September 2012.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 93 and 98.

Treasury Corporation of Victoria — Report, 2011-12.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2011-12 report.

Victorian Managed Insurance Authority — Report, 2011-12, together with 2011-12 Financial Statement for Domestic Buildings (HIH) Indemnity Fund.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2011-12 report.

Youth Parole and Youth Residential Boards — Report, 2011-12.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 EDUCATION AND TRAINING COMMITTEE — TAFE REFORMS** — Ms Broad moved, That, under section 33 of the *Parliamentary Committees Act 2003*, the Education and Training Committee is required to inquire into, consider and report no later than 28 February 2013 on the impact in the Bendigo region of the Baillieu-Ryan Government reforms to refocus TAFE to support a strong, sustainable, efficient and market-driven vocational education and training system.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**INDEXATION OF EARLY CHILDHOOD SERVICES FUNDING** — Ms Lovell having given an answer to a question without notice relating to the Indexation of Early Childhood Services Funding —

On the motion of Ms Mikakos, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 7 EDUCATION AND TRAINING COMMITTEE — TAFE REFORMS** — Debate continued on the question, That under section 33 of the *Parliamentary Committees Act 2003*, the Education and Training Committee is required to inquire into, consider and report no later than 28 February 2013 on the impact in the Bendigo region of the Baillieu-Ryan Government reforms to refocus TAFE to support a strong, sustainable, efficient and market-driven vocational education and training system.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

- 8 VICTRACK AND THE MARYBOROUGH HIGHLAND SOCIETY** — Leave having been granted for Ms Hartland to move her motion in an amended form, Ms Hartland moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 9 October 2012, all correspondence and lease agreements relating to VicTrack and the Maryborough Highland Society in relation to the Kennedy Street, Castlemaine, premises.

Debate ensued.

Question — put and agreed to.

- 9 SUSTAINABLE GOVERNMENT INITIATIVE** — Ms Pulford moved, That this House notes the Sustainable Government Initiative of the Baillieu-Ryan Government and calls on the Government to define 'frontline service delivery'.

Debate ensued.

Question — put and agreed to.

- 10 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — GOVERNMENT TRAINING SUBSIDIES** — Ms Pennicuik moved, That this House requires the Legal and Social Issues References Committee to inquire, consider and report no later than 12 December 2012 on —

- (1) allegations aired on the ABC's *7:30 Report* in August and September 2012 regarding the misuse of government training subsidies and the provision of sub-standard apprenticeship training by Skilled Training Victoria;
- (2) any other allegations or reports of sub-standard training and/or misuse of government training subsidies by private registered training organisations in Victoria;

- (3) the adequacy of the resources provided to the Victorian Registration and Qualifications Authority and the level and effectiveness of auditing and oversight of the financial accountability and standard of training provided by private registered training organisations in Victoria since 2008;

and calls on the committee to request submissions from the public and conduct public hearings in the completion of its inquiries.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.56 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 89 — Thursday, 13 September 2012

- The President took the Chair and read the Prayer.
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Adult Parole Board of Victoria — Report, 2011-12.
  - Agriculture Victoria Services Pty Ltd — Report, 2011-12.
  - Barwon Region Water Corporation — Report, 2011-12.
  - Building Commission — Report, 2011-12.
  - Business and Innovation Department — Report, 2011-12.

Central Gippsland Region Water Corporation — Report, 2011-12.  
 Central Highlands Region Water Corporation — Report, 2011-12.  
 City West Water Limited — Report, 2011-12.  
 Coliban Region Water Corporation — Report, 2011-12.  
 Commissioner for Law Enforcement Data Security — Report, 2011-12.  
 Duties Act 2000 —  
     Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2011-12.  
     Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2011-12.  
 East Gippsland Region Water Corporation — Report, 2011-12.  
 Fed Square Pty Ltd — Report, 2011-12.  
 Fire Services Commissioner — Report, 2011-12.  
 Geoffrey Gardiner Dairy Foundation Limited — Report, 2011-12.  
 Gippsland and Southern Rural Water Corporation — Report, 2011-12.  
 Goulburn Valley Region Water Corporation — Report, 2011-12.  
 Goulburn-Murray Rural Water Corporation — Report, 2011-12.  
 Grampians Wimmera Mallee Water Corporation — Report, 2011-12.  
 Lower Murray Urban and Rural Water Corporation — Report, 2011-12.  
 Melbourne Convention and Exhibition Trust — Report, 2011-12.  
 Melbourne Water Corporation — Report, 2011-12.  
 Murray Valley Citrus Board — Minister's report of receipt of 2011-12 report.  
 Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2011-12 report.  
 North East Region Water Corporation — Report, 2011-12.  
 Office of Police Integrity — Report, 2011-12.  
 Ombudsman's Office — Report, 2011-12, Part 2.  
 Small Business Commissioner — Report, 2011-12.  
 South East Water Limited — Report, 2011-12.  
 South Gippsland Region Water Corporation — Report, 2011-12.  
 State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Report, 2011-12.  
 State Services Authority — Report, 2011-12.  
 Tourism Victoria — Report, 2011-12.  
 Transport Accident Commission — Report, 2011-12.  
 Transport Ticketing Authority — Report, 2011-12.  
 VicForests — Report, 2011-12.  
 Victorian Institute of Forensic Mental Health — Report, 2011-12.  
 Victorian Multicultural Commission — Report, 2011-12.  
 Victoria Police — Report, 2011-12.  
 VITS LanguageLink — Report, 2011-12.  
 Wannon Region Water Corporation — Report, 2011-12.  
 Western Region Water Corporation — Report, 2011-12.  
 Westernport Region Water Corporation — Report, 2011-12.  
 Yarra Valley Water Limited — Report, 2011-12.

**3 PRODUCTION OF DOCUMENTS — ALCOA POWER STATION ANGLESEA** — The Clerk laid on the Table a letter from the Minister for Environment and Climate Change, dated 12 September 2012, in response to the Resolution of the Council of 29 August 2012 seeking the production of documents relating to the Alcoa Anglesea Power Station —

- advising that the Government is not able to respond to the Resolution within the time period requested; and
- indicating that the Government would respond to the Council's Resolution as soon as possible.

**4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 9 October 2012.

Question — put and agreed to.

- 5 LEGAL AND SOCIAL ISSUES LEGISLATION AND REFERENCES COMMITTEES —**  
Mr Leane moved, by leave, That Mr Leane be a participating member of the Legal and Social Issues Legislation and References Committees.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.12.

- 7 PETITION — SWINBURNE UNIVERSITY PRAHRAN CAMPUS FUNDING —** Ms Pennicuik, by leave, presented a Petition bearing 685 signatures from certain citizens of Victoria requesting that the Government restore funding to TAFE institutes and commit to working with Swinburne University to prevent the closure of its Prahran campus.

Ordered to lie on the Table.

On the motion of Ms Pennicuik, the petition was ordered to be taken into consideration on the next day of meeting.

- 8 BUSINESS POSTPONED —** Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 9 RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012 —**  
Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Mikakos moved, That the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 13 November 2012.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS —** Questions without notice were taken pursuant to Standing Order 8.04.

**TAFE GOVERNMENT ADVERTISING —** Mr Lenders having asked a question without notice and supplementary question relating to TAFE Government Advertising —

On the motion, by leave, of Mr D.M. Davis Mr Lenders' questions were ordered to be taken into consideration on the next day of meeting.

Question — put and agreed to.

**TAFE GOVERNMENT ADVERTISING —** Mr Hall having given an answer to a question without notice and supplementary question relating to TAFE Government Advertising —

On the motion of Mr Leane, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS —** Questions without notice continued.

- 11 RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012 —**  
Debate continued on the question, That the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 13 November 2012.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber (*Teller*)

Ms Broad

Ms Darveniza

Mr Eideh

Mr Jennings

Ms Hartland

Mr Leane

Mr Lenders

Ms Mikakos

NOES, 20

Mr Atkinson

Mrs Coote

Ms Crozier (*Teller*)

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Elsbury

Mr Finn

Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis ( <i>Teller</i> )	Mr O'Brien
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question 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.

**12 PORT MANAGEMENT FURTHER AMENDMENT BILL 2012** — 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.

**13 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain substances to be drugs of dependence and to make a technical amendment to that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

**14 FIRE SERVICES PROPERTY LEVY BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to impose a fire services property levy on all land in Victoria unless specifically exempted, to provide for collection agencies to collect the fire services property levy, to provide for the Commissioner of State Revenue to receive the fire services property levy and pay it into the Consolidated Fund, to make consequential amendments to the Country Fire Authority Act 1958, the Essential Services Commission Act 2001, the Metropolitan Fire Brigades Act 1958, the Valuation of Land Act 1960 and the Victorian Managed Insurance Authority Act 1996 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Rich-Phillips made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

- 15 CIVIL PROCEDURE AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Civil Procedure Act 2010 in relation to costs and expert witnesses, to make other technical amendments to that Act, to consequentially amend the Accident Compensation Act 1985 in relation to costs and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

- 16 PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Impounding of Livestock Act 1994, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Food Act 1984 and the Local Government Act 1989 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 17 FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Free Presbyterian Church Property Act 1953 to confer additional powers on the Trustees for Victoria of the Presbyterian Church of Eastern Australia, to alter the title to that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Pakula), the debate was adjourned for one week.

- 18 PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012** — The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 5.27 p.m., adjourned until Tuesday, 9 October 2012.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 87, 88 and 89

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Tuesday, 11 September 2012

### 1 RACING LEGISLATION AMENDMENT BILL 2012

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Mr Pakula moved —

1. Clause 9, lines 25 to 26, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 22** — put and agreed to.

**Bill reported without amendment.**

### 2 EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Pennicuik moved —

1. Clause 3, lines 13 to 17, omit "engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis" and insert "who is engaged and active in the publication of news and who may be given information by an informant in the expectation that the information may be published".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

NOES, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Amendment negatived.

Ms Pennicuik moved —

2. Clause 3, line 18, omit "a" and insert "any".

Question — That the amendment be agreed to — put and negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 16** — put and agreed to.

**Clause 17** — Question — That Clause 17 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson  
 Mrs Coote

NOES, 19

Mr Barber (*Teller*)  
 Ms Broad (*Teller*)

Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue ( <i>Teller</i> )	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich ( <i>Teller</i> )	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

**Clause 18** — put and agreed to.

**Clause 19** — Mr Pakula moved —

4. Clause 19, line 23, omit "**does not apply**" and insert "**applies**".

Question — That the amendment be agreed to — put and negatived.

Clause 19 — put and agreed to.

**Clause 20** — Mr Pakula moved —

6. Clause 20, lines 9 to 20, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put and negatived.

Clause 20 — put and agreed to.

**Clause 21** — Mr Pakula moved —

8. Clause 21, lines 3 to 11, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Clause 21 — put and agreed to.

Clause 22 — Mr Pakula moved —

10. Clause 22, line 6, omit "**does not apply**" and insert "**applies**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos (*Teller*)  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Clause 22 — put and agreed to.

**Clauses 23 to 29** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 13 September 2012

### 1 RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012

**Clause 1** — Ms Mikakos moved —

1. Clause 1, page 2, line 20, omit "Act; and" and insert "Act".

Question — That the amendment be agreed to — put and negated.

Clause 1 — put and agreed to.

**Clauses 2 to 25** — put and agreed to.

**Clause 26** — Question — That Clause 26 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos (*Teller*)  
 Mr Pakula (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 27** — Question — That Clause 27 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis (*Teller*)  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 28** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 90, 91 and 92

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#### No. 90 — Tuesday, 9 October 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 18 September 2012, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Energy Legislation Amendment Act 2012*
  - Evidence Amendment (Journalist Privilege) Act 2012*
  - Planning and Environment Amendment (VicSmart Planning Assessment) Act 2012*
  - Port Management Further Amendment Act 2012*
  - Racing Legislation Amendment Act 2012*
  - Residential Tenancies and Other Consumer Acts Amendment Act 2012.*
- 3 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The President read a letter from Mr David O'Brien MLC, resigning from the Scrutiny of Acts and Regulations Committee, effective from 9 October 2012.
- 4 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The President read a letter from Mrs Donna Bauer MP, resigning from the Family and Community Development Committee, effective from 9 October 2012.
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 6 **PETITIONS** —
  - TAFE FUNDING** — Mr Leane presented a Petition bearing 339 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Leane presented a Petition bearing 198 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

\* \* \* \* \*

**FARMER HEALTH** — Ms Tierney presented a Petition bearing 66 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.

Ordered to lie on the Table.

**7 PAPERS —**

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 14 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

- Accident Compensation Conciliation Service — Report, 2011-12.
- Australian Centre for the Moving Image — Report, 2011-12.
- Australian Grand Prix Corporation — Report, 2011-12.
- Bairnsdale Regional Health Service — Report, 2011-12.
- Ballaarat General Cemeteries Trust — Minister's report of receipt of 2011-12 report.
- Beaufort and Skipton Health Service — Report, 2011-12.
- Beechworth Health Service — Report, 2011-12.
- Benalla Health — Report, 2011-12.
- Bendigo Cemeteries Trust — Minister's report of receipt of 2011-12 report.
- Calvary Health Care Bethlehem Limited — Report, 2011-12.
- Central Gippsland Health Service — Report, 2011-12.
- Central Murray Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Cobram District Health — Report, 2011-12.
- Country Fire Authority — Report, 2011-12.
- East Grampians Health Service — Report, 2011-12.
- East Wimmera Health Service — Report, 2011-12.
- Education and Early Childhood Development Department — Report, 2011-12.
- Emergency Services Superannuation Board — Report, 2011-12.
- Emergency Services Telecommunications Authority — Report, 2011-12.
- Geelong Performing Arts Centre Trust — Report, 2011-12.
- Gippsland Southern Health Service — Report, 2011-12.
- Hepburn Health Service — Report, 2011-12.
- Highlands Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 99.
- Kilmore and District Hospital — Report, 2011-12.
- Legal Services Board — Report, 2011-12.
- Library Board of Victoria — Report, 2011-12.
- Lorne Community Hospital — Report, 2011-12.
- Mallee Track Health and Community Service — Report, 2011-12.
- Mansfield District Hospital — Report, 2011-12.
- Melbourne Recital Centre Ltd — Report, 2011-12.
- Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2012 and Summary of a Variation notified between 21 June 2012 and 5 October 2012 and Summary of Primary Return, September 2012.
- Metropolitan Fire and Emergency Services Board — Report, 2011-12.
- Museums Board of Victoria — Report, 2011-12.
- Nathalia District Hospital — Report, 2011-12.
- National Gallery of Victoria Trustees — Report, 2011-12.
- Ombudsman — Report on the Investigation into an alleged corrupt association, October 2012.
- Omeo District Health — Report, 2011-12.
- Orbost Regional Health — Report, 2011-12.
- Parliamentary Contributory Superannuation Fund — Report, 2011-12.
- Planning and Community Development Department — Report, 2011-12.

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

- Alpine Planning Scheme — Amendment C31.
- Bass Coast Planning Scheme — Amendment C64 Part 1.
- Boroondara Planning Scheme — Amendment C91.
- Cardinia Planning Scheme — Amendments C104 and C190.
- Casey Planning Scheme — Amendments C152 and C170.
- Glenelg Planning Scheme — Amendment C93.
- Greater Bendigo Planning Scheme — Amendment C135.
- Hume Planning Scheme — Amendments C166 and C172.
- Macedon Ranges Planning Scheme — Amendment C67 Part 1.
- Maribyrnong Planning Scheme — Amendments C113 and C116.
- Melbourne Planning Scheme — Amendments C161 and C193.
- Melton Planning Scheme — Amendment C128.
- Mitchell Planning Scheme — Amendment C100.
- Mount Alexander Planning Scheme — Amendment C52.
- Moyne Planning Scheme — Amendment C56.
- Nillumbik Planning Scheme — Amendment C67.
- Stonnington Planning Scheme — Amendments C135 and C162.
- Strathbogie Planning Scheme — Amendment C58.
- Whittlesea Planning Scheme — Amendments C137 and C167.
- Wyndham Planning Scheme — Amendments C180 and C200.
- Yarra Planning Scheme — Amendment C151.

Queen Elizabeth Centre — Report, 2011-12.

Rural Northwest Health — Report, 2011-12.

Seymour Health — Report, 2011-12.

Statutory Rules under the following Acts of Parliament:

- County Court Act 1958 — No. 104.
- Firearms Act 1996 — No. 101.
- Infringements Act 2006 — No. 107.
- Juries Act 2000 — No. 106.
- Local Government Act 1989 — No. 100.
- Magistrates' Court Act 1989 — Nos. 105, 109 and 110.
- Racing Act 1958 — No. 102.
- Road Safety Act 1986 — No. 103.
- Subordinate Legislation Act 1994 — No. 108.
- Transport (Compliance and Miscellaneous) Act 1983 — No. 111.
- Wildlife Act 1975 — No. 99.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 99, 100, 102 to 110.

Legislative Instrument and related documents under section 16B in respect of —

Declaration of 27 September 2012 made under section 52 of the Accident Towing Services Act 2007.

Notice of exemption made under section 5(2)(b) of the Meat Industry Act 1993.

Order of 29 August 2012 declaring certain motor vehicles not to be motor vehicles made under the Road Safety Act 1986.

Order of 26 September 2012 determining the circumstances in which compensation is payable and the maximum amounts of compensation payable for queen bees and hives made under the Livestock Disease Control Act 1994.

South Gippsland Hospital — Report, 2011-12.

South West Regional Waste Management Group — Minister's report of receipt of 2011-12 report.

Tallangatta Health Service — Report, 2011-12.

Terang and Mortlake Health Service — Report, 2011-12.

Timboon and District Healthcare Service — Report, 2011-12.

Treasury and Finance Department — Report, 2011-12.

Tweddle Child and Family Health Service — Minister's report of receipt of 2011-12 report.  
 Upper Murray Health and Community Services — Report, 2011-12.  
 V/Line Corporation — Report, 2011-12.  
 V/Line Pty Ltd — Report, 2011-12.  
 Victoria Grants Commission — Report, 2011-12.  
 Victoria Law Foundation — Report, 2011-12.  
 Victoria State Emergency Service Authority — Report, 2011-12.  
 Victorian Arts Centre Trust — Report, 2011-12.  
 Victorian Curriculum and Assessment Authority — Report, 2011-12.  
 Victorian Law Reform Commission — Report, 2011-12.  
 West Gippsland Healthcare Group — Report, 2011-12.  
 Western District Health Service — Report, 2011-12.  
 Wimmera Health Care Group — Report, 2011-12.  
 Yarram and District Health Service — Report, 2011-12.  
 Yarrawonga Health — Report, 2011-12.  
 Yea and District Memorial Hospital — Report, 2011-12.

\* \* \* \* \*

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

Energy Legislation Amendment Act 2012 — 27 September 2012 (*Gazette No. S324, 26 September 2012*).

Health (Commonwealth State Funding Arrangements) Act 2012 — Whole Act (except sections 31 and 32) — 1 October 2012 (*Gazette No. S324, 26 September 2012*).

Public Interest Monitor Act 2011 — Parts 1 and 2, Part 3 (except section 14), Part 4 and Part 9 (except section 54) — 18 September 2012 (*Gazette No. S316, 18 September 2012*).

Racing Legislation Amendment Act 2012 — 26 September 2012 (*Gazette No. S324, 26 September 2012*).

Residential Tenancies Amendment Act 2012 — Part 2, sections 9 and 21 and the remaining provisions of Part 4 — 1 October 2012 (*Gazette No. S324, 26 September 2012*).

Road Safety Amendment Act 2012 — Whole Act (except sections 3, 4, 5 and 28) — 1 October 2012; Sections 3, 4 and 28 — 1 November 2012 (*Gazette No. S324, 26 September 2012*).

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 10 October 2012:
  - (a) Notice of Motion No. 390 standing in the name of Mr Tee relating to the domestic building industry and referring a matter to the Environment and Planning References Committee;
  - (b) the Notice of Motion given this day by Ms Pennicuik taking note of a petition relating to duck shooting;
  - (c) Notice of Motion No. 440 standing in the name of Mr Viney referring certain reports to the Legal and Social Issues Legislation Committee;
  - (d) the Notice of Motion given this day by Ms Pulford referring certain reports to the Economy and Infrastructure Legislation Committee;
  - (e) the Notice of Motion given this day by Ms Tierney referring certain reports to the Environment and Planning Legislation Committee;
  - (f) the Notice of Motion given this day by Mr Barber referring certain reports to each of the Legal and Social Issues, Economy and Infrastructure, and Environment and Planning Legislation Committees;
  - (g) Order of the Day No. 27, resumption of debate on the motion relating to the Government jobs plan;
  - (h) Order of the Day No. 26, resumption of debate on the motion relating to the automobile industry;

(i) Order of the Day No. 22, resumption of debate on the motion relating to the provision of public housing; and

(2) this House authorises the President to permit Notices of Motion, General Business, items (1)(c), (d), (e) and (f) as specified above, to be moved and debated concurrently.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**11 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012** — 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.

**12 FIRE SERVICES PROPERTY LEVY BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Rich-Phillips 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.

The Committee reported that it had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

**AMENDMENT NO 1**

Clause 3, page 5, lines 2 and 3, omit ", unless section 20 applies, calculated in accordance with section 17" and insert "as assessed and calculated in accordance with Part 2".

**AMENDMENT NO 2**

Clause 9, page 9, lines 31 to 34, omit all words and expressions on these lines and insert—

"(b) the fixed charge part of the levy is to be apportioned so that the entire fixed charge for the undertaking is levied only in respect of the largest portion of the land and every other portion of land that forms a part of the undertaking is deemed to have a fixed charge of \$0.

(7) If 2 or more portions of the land comprising one undertaking under subsection (6)(b) are equally the largest, the Minister must in writing direct which of the portions of land the fixed charge is to be levied against.

(8) If any person is liable to be levied in respect of 2 or more parcels of leviable land that is farm land within the meaning of section 2(1) of the **Valuation of Land Act 1960**, or would be farm land if it were 2 hectares or more in area, and the parcels of land constitute a single farm enterprise, the person may apply to the collection agency for an exemption from the liability to pay the fixed charge part of the levy in respect of each parcel of leviable land that constitutes the single farm enterprise if—

(a) an exemption is not claimed in respect of at least one parcel of leviable land which forms part of the single farm enterprise; and

(b) in the case of a single farm enterprise which is occupied by more than one person, an exemption is not claimed in respect of more than one principal place of residence.

(9) In subsection (8), **single farm enterprise** means 2 or more parcels of leviable land—

- (a) which—
    - (i) are farm land; and
    - (ii) are farmed as a single enterprise; and
    - (iii) are occupied by the same person or persons—  
whether or not the parcels of land are contiguous or are located in the same municipal district; or
  - (b) which—
    - (i) as to all the properties except one, are farm land farmed as a single enterprise occupied by the same person or persons; and
    - (ii) as to one property contiguous with at least one of the other properties, is the principal place of residence of that person or one of those persons.
- (10) An application made to a collection agency under subsection (8) must be in the form and made within the period—
- (a) specified in a direction of the Minister made under section 72; or
  - (b) if the Minister has not made a direction for the purposes of this section, specified by the relevant collection agency.
- (11) A collection agency may require an applicant for an exemption under subsection (8) to give further particulars, or to verify particulars, in respect of the person's application.
- (12) A person who has made an application for, or who has been granted, an exemption under subsection (8), must advise the relevant collection agency of any change in circumstances that could affect the person's eligibility for an exemption under that subsection."

**AMENDMENT NO 3**

Clause 17, lines 28 to 30, omit all words and expressions on those lines and insert—

"**FC** means—

- (a) if section 9(6)(b) applies to the leviable land and the leviable land is not the largest portion in an undertaking, \$0;
- (b) if section 9(7) applies and the portion in an undertaking is not the portion in respect of which the Minister has made a direction, \$0;
- (c) in all other cases, the fixed charge that applies to the leviable land specified in section 11(2) as adjusted under section 11(3);".

**AMENDMENT NO 4**

Clause 34, lines 31 and 32, omit "and paid out of the account maintained".

**AMENDMENT NO 5**

Clause 34, line 33, omit "under section 37".

**AMENDMENT NO 6**

Heading to clause 37, line 16, omit "**kept in dedicated account**" and insert "**separately accounted for**".

**AMENDMENT NO 7**

Clause 37, lines 17 to 20, omit all words and expressions on these lines and insert—

- "(1) A collection agency must separately account for levy amounts and levy interest collected by the collection agency under this Act."

**AMENDMENT NO 8**

Clause 37, lines 22 and 23, omit "and paid into an account specified in subsection (1)" and insert "under this Act".

**AMENDMENT NO 9**

Clause 37, lines 26 and 27, omit "paid into an account specified in subsection (1)".

**AMENDMENT NO 10**

Clause 37, lines 30 and 31, omit "paid into the account specified in subsection (1)".

**AMENDMENT NO 11**

Clause 37, page 40, lines 1 and 2, omit "paid into an account specified in subsection (1)" and insert "collected by a collection agency".

**AMENDMENT NO 12**

Clause 37, page 40, line 4, omit "paid out of the account and".

On the motion of Mr Rich-Phillips, the Council adopted the report and resolution from the Committee of the whole.

Bill returned to the Assembly with a Message suggesting that the Assembly amend the same as listed in the resolution.

Bill to be again considered in Committee of the whole later this day.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

**14 PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

**15 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 91 — Wednesday, 10 October 2012

1 The President took the Chair and read the Prayer.

2 **PETITION — CODE ASSESS LEGISLATION** — Mr Lenders presented a Petition bearing 13 signatures from certain citizens of Victoria requesting that the Government withdraw proposed amendments to the *Planning and Environment Act 1987* that will remove community consultation from the development approval process and consult with the community to ensure that any proposal protects and improves, rather than destroys our neighbourhoods.

Ordered to lie on the Table.

3 **PAPERS** —

**OFFICE OF THE PUBLIC ADVOCATE** — Mr Dalla-Riva moved, by leave, That there be laid before this House a copy of the report of the Office of the Public Advocate for 2011-12.

Question — put and agreed to.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the report of the Victorian Competition and Efficiency Commission for 2011-12.

Question — put and agreed to.

The Report was presented by Mr Rich-Phillips and ordered to lie on the Table.

**CONSUMER UTILITIES ADVOCACY CENTRE** — Mr Guy moved, by leave, That there be laid before this House a copy of the Report of the Consumer Utilities Advocacy Centre for 2011-12.

Question — put and agreed to.

The Report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — WORKFORCE PARTICIPATION BY PEOPLE WITH MENTAL ILLNESS** — Ms Crozier presented a Report from the Family and Community Development Committee on Workforce Participation by People with Mental Illness (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Crozier moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Adult Community and Further Education Board — Report, 2011-12.

Alexandra District Hospital — Report, 2011-12.

Alpine Health — Report, 2011-12.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2011-12 report.

Auditor-General Reports on —

Consumer Participation in the Health System, October 2012.

Managing Major Projects, October 2012.

Barwon Regional Waste Management Group — Minister's report of receipt of 2011-12 report.

Bass Coast Regional Health — Report, 2011-12.

Boort District Health — Report, 2011-12.

Calder Regional Waste Management Group — Minister's report of receipt of 2011-12 report.

Casterton Memorial Hospital — Report, 2011-12.

Castlemaine Health — Report, 2011-12.

Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2011-12 report.

Cohuna District Hospital — Report, 2011-12.

Colac Area Health — Report, 2011-12.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2011-12 report.

Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2011-12.

Consumer Affairs Victoria — Report, 2011-12.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2011-12 report.

Djerriwarrh Health Services — Report, 2011-12.

Docklands Studios Melbourne Pty Ltd — Report, 2011-12.

Dunmunkle Health Services — Report, 2011-12.

Echuca Regional Health — Report, 2011-12.

Edenhope and District Memorial Hospital — Report, 2011-12.

Emerald Tourist Railway Board — Report, 2011-12.

Film Victoria — Report, 2011-12.

Forensic Leave Panel — Report, 2011.

Geelong Cemeteries Trust — Report, 2011-12.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2011-12 report.

- Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Grampians Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Greyhound Racing Victoria — Report, 2011-12.
- Growth Areas Authority — Report, 2011-12.
- Heathcote Health — Report, 2011-12.
- Hesse Rural Health Service — Report, 2011-12.
- Heywood Rural Health — Report, 2011-12.
- Inglewood and Districts Health Service — Report, 2011-12.
- Judicial College of Victoria — Report, 2011-12.
- Kerang District Health — Report, 2011-12.
- Kooweerup Regional Health Service — Report, 2011-12.
- Kyabram and District Health Services — Report, 2011-12.
- Kyneton District Health Service — Report, 2011-12.
- Legal Practitioners' Liability Committee — Report, 2011-12.
- Legal Services Commissioner — Report, 2011-12.
- Maldon Hospital — Minister's report of receipt of 2011-12 report.
- Maryborough District Health Service — Report, 2011-12.
- Melbourne Market Authority — Report, 2011-12.
- Metropolitan Waste Management Group — Report, 2011-12.
- Mildura Cemetery Trust — Minister's report of receipt of 2011-12 report.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Moyness Health Services — Report, 2011-12.
- National Parks Act 1975 — Report on the working of the Act, 2011-12.
- National Parks Advisory Council — Report, 2011-12.
- North East Victorian Regional Waste Management Group — Minister's report of receipt of 2011-12 report.
- Northeast Health Wangaratta — Report, 2011-12.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2011-12 report.
- Numurkah District Health Service — Report, 2011-12.
- Ombudsman — Report on the Investigation into the temporary closure of Alfred Health's adult lung transplant program, October 2012.
- Otway Health and Community Services — Report, 2011-12.
- Parks Victoria — Report, 2011-12.
- Phillip Island Nature Parks — Report, 2011-12.
- Portland District Health — Report, 2011-12.
- Professional Standards Council — Report, 2011-12.
- Public Prosecutions Office — Report, 2011-12.
- Residential Tenancies Bond Authority — Report, 2011-12.
- Roads Corporation — Report, 2011-12.
- Robinvale District Health Services — Report, 2011-12.
- Rochester and Elmore District Health Service — Report, 2011-12.
- Royal Botanic Gardens Board — Report, 2011-12.
- South West Healthcare — Report, 2011-12.
- Southern Metropolitan Cemeteries Trust — Report, 2011-12.
- State Electricity Commission of Victoria — Report, 2011-12.
- Stawell Regional Health — Report, 2011-12.
- Surveyors Registration Board of Victoria — Minister's report of receipt of 2011-12 report.
- Swan Hill District Health — Report, 2011-12.
- Trust for Nature (Victoria) — Report, 2011-12.
- Victorian Coastal Council — Report, 2011-12.
- Victorian Commission for Gambling and Liquor Regulation — Report, 2011-12.

Victorian Electoral Commission —  
Report, 2011-12.

Report to Parliament on the Melbourne District by-election held on 21 July 2012.

Victorian Environmental Assessment Council — Report, 2011-12.

Victorian Environmental Water Holder — Minister's report of receipt of 2011-12 report.

Victorian Equal Opportunity and Human Rights Commission — Report, 2011-12.

Victorian Government Purchasing Board — Report, 2011-12.

Victorian Institute of Forensic Medicine — Report, 2011-12.

Victorian Institute of Teaching — Report, 2011-12.

Victorian Privacy Commissioner's Office — Report, 2011-12.

Victorian Regional Channels Authority — Report, 2011-12.

Victorian Registration and Qualifications Authority — Report, 2011-12.

Victorian Skills Commission — Report, 2011-12.

West Wimmera Health Service — Report, 2011-12.

Zoological Parks and Gardens Board — Report, 2011-12.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 DOMESTIC BUILDING INDUSTRY** — Mr Tee moved, That this House —

- (1) notes that in 2011 there were 1,100 Domestic Building Claims lodged at the Victorian Civil and Administrative Tribunal (VCAT) and that in 2010-11 the Building Practitioners Board reprimanded, fined or cancelled a registration on only 64 occasions;
- (2) notes that there have been numerous complaints about the effectiveness of the dispute settlement processes in the domestic building industry, which often involve disputes about the construction of the family home, cause emotional and financial stress over an extended period of time, and are often not resolved to the satisfaction of either the builder or the home owner;
- (3) notes that the Victorian Government has announced that they will be introducing changes to the operation of the building industry dispute resolution mechanisms; and
- (4) requires the Environment and Planning References Committee to inquire into, consider and report, no later than 1 December 2012, on the domestic building industry, and in particular —
  - (a) the role and effectiveness of VCAT, the Building Commission, Consumer Affairs Victoria and the Building Practitioners Board in investigating and acting on domestic building industry disputes and consider if recommendations are necessary to improve the effectiveness, oversight and independence of these bodies in regulating the domestic building industry;
  - (b) work with the Department of Planning and Community Development to ensure that any changes being made by the Government will both improve dispute resolution mechanisms in Victoria and, where appropriate, incorporate the views of stakeholders, including consumers and builders;
  - (c) consider recommendations that will set, promote and enforce high standards of work and behaviour in the domestic building industry;
  - (d) consider whether the current regulatory structure promotes independence between the regulators and the industry; and
  - (e) consider legislative and policy changes to strengthen consumers' rights in the domestic building industry.

Debate ensued.

Mr Leane moved, as an amendment, That in sub-section (4), omit "1 December 2012" and insert "1 July 2013".

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**EAST GIPPSLAND ADVANCE TAFE COURSES** — Mr Hall having given an answer to a question without notice relating to East Gippsland Advance TAFE courses —

On the motion of Mr O'Donohue, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 DOMESTIC BUILDING INDUSTRY** — Debate continued on the question, That this House —

- (1) notes that in 2011 there were 1,100 Domestic Building Claims lodged at the Victorian Civil and Administrative Tribunal (VCAT) and that in 2010-11 the Building Practitioners Board reprimanded, fined or cancelled a registration on only 64 occasions;
- (2) notes that there have been numerous complaints about the effectiveness of the dispute settlement processes in the domestic building industry, which often involve disputes about the construction of the family home, cause emotional and financial stress over an extended period of time, and are often not resolved to the satisfaction of either the builder or the home owner;
- (3) notes that the Victorian Government has announced that they will be introducing changes to the operation of the building industry dispute resolution mechanisms; and
- (4) requires the Environment and Planning References Committee to inquire into, consider and report, no later than 1 December 2012, on the domestic building industry, and in particular —
  - (a) the role and effectiveness of VCAT, the Building Commission, Consumer Affairs Victoria and the Building Practitioners Board in investigating and acting on domestic building industry disputes and consider if recommendations are necessary to improve the effectiveness, oversight and independence of these bodies in regulating the domestic building industry;
  - (b) work with the Department of Planning and Community Development to ensure that any changes being made by the Government will both improve dispute resolution mechanisms in Victoria and, where appropriate, incorporate the views of stakeholders, including consumers and builders;
  - (c) consider recommendations that will set, promote and enforce high standards of work and behaviour in the domestic building industry;
  - (d) consider whether the current regulatory structure promotes independence between the regulators and the industry; and
  - (e) consider legislative and policy changes to strengthen consumers' rights in the domestic building industry;

and on the amendment moved by Mr Leane, That in sub-section (4), omit "1 December 2012" and insert "1 July 2013".

Question — That the amendment moved by Mr Leane be agreed to — put and agreed to.

Question — That the motion, as amended, be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pulford  
 Mr Scheffer

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney  
 Mr Viney

Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 449, be postponed until later this day.

**9 STANDING COMMITTEES REFERRALS** — Pursuant to an Order of the Council on 9 October 2012 —

1. Mr Viney moved, That this House requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012-13 that are to be tabled in the coming weeks —

- (1) Department of Education and Early Childhood Development;
- (2) Department of Health;
- (3) Department of Human Services; and
- (4) Department of Justice;

and calls on the Committee to write to the respective Departmental Secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of a sitting week throughout October, November and December 2012 in the completion of its inquiries.

2. Mr Lenders (for Ms Pulford) moved, That this House requires the Economy and Infrastructure Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012-13 that are to be tabled in the coming weeks —

- (1) Department of Business and Innovation;
- (2) Department of Primary Industries;
- (3) Department of Transport; and
- (4) Department of Treasury and Finance;

and calls on the Committee to write to the respective Departmental Secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of a sitting week throughout October, November and December 2012 in the completion of its inquiries.

3. Ms Tierney moved, That this House requires the Environment and Planning Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012-13 that are to be tabled in the coming weeks —

- (1) Department of Premier and Cabinet;
- (2) Department of Sustainability and Environment; and
- (3) Department of Planning and Community Development;

and calls on the Committee to write to the respective Departmental Secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of a sitting week throughout October, November and December 2012 in the completion of its inquiries.

4. Mr Barber moved, That this House requires the —

- (1) Legal and Social Issues Legislation Committee to inquire into, consider and report on the 2011-12 reports, together with the estimates of expenditure for 2012-13, of the —

- (a) Country Fire Authority;
- (b) Metropolitan Fire and Emergency Services Board; and
- (c) Victorian Human Rights and Equal Opportunity Commission;
- (2) Economy and Infrastructure Legislation Committee to inquire into, consider and report on the 2011-12 reports, together with the estimates of expenditure for 2012-13, of —
  - (a) VicForests;
  - (b) the Port of Melbourne Corporation;
  - (c) V/Line;
  - (d) the Transport Ticketing Authority;
  - (e) the Linking Melbourne Authority; and
  - (f) Transport Safety Victoria;
- (3) Environment and Planning Legislation Committee to inquire into, consider and report on the 2011-12 reports, together with the estimates of expenditure for 2012-13, of —
  - (a) the Environment Protection Authority;
  - (b) Southern Rural Water;
  - (c) Places Victoria; and
  - (d) Parks Victoria;

and calls on each of the Committees to write to the respective heads of those bodies to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of a sitting week throughout October, November and December 2012 in the completion of their inquiries.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Peulich —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 FIRE SERVICES PROPERTY LEVY BILL 2012** — The President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Ordered — That the Message be referred to the Committee of the whole on the Bill.

**12 PARLIAMENTARY APOLOGY FOR PAST FORCED ADOPTION PRACTICES** — The President read —

- (a) a Message from the Assembly informing the Council that they had agreed to a Resolution inviting Members of the Legislative Council to attend the Legislative Assembly Chamber on Thursday, 25 October 2012 at 11.30 a.m.
- (b) a Resolution adopted by the Legislative Assembly on Wednesday, 10 October 2012 —
  - inviting Members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly Chamber for the consideration of the motion for a parliamentary apology for past forced adoptions; and
  - advising that the lower public gallery on the Opposition side of the House be deemed part of the Legislative Assembly Chamber and the Assembly standing orders be applied for the time that Council members are invited onto the floor of the House.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

**13 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.04 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 92 — Thursday, 11 October 2012

- 1 The President took the Chair and read the Prayer.
- 2 **BALI TERRORIST ATTACK** — Mr D.M. Davis moved, by leave, That this House notes the 10th Anniversary of the Bali terrorist attack in 2002.  
And the President and other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 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:
  - Albury Wodonga Health — Report, 2011-12.
  - Alfred Health — Report, 2011-12.
  - Ambulance Victoria — Report, 2011-12.
  - Austin Health — Report, 2011-12.
  - Ballarat Health Services — Report, 2011-12.
  - Barwon Health — Report, 2011-12.
  - Bendigo Health Care Group — Report, 2011-12.
  - Community Visitors — Report, 2011-12.
  - Confiscation Act 1997 — Report, 2011-12, from the Chief Commissioner of Police pursuant to section 139A of the Act.
  - Corangamite Catchment Management Authority — Report, 2011-12.
  - Coronial Council of Victoria — Report, 2011-12.
  - Dental Health Services Victoria — Report, 2011-12.
  - East Gippsland Catchment Management Authority — Report, 2011-12.
  - Eastern Health — Report, 2011-12.
  - Environment Protection Authority — Report, 2011-12.
  - Glenelg Hopkins Catchment Management Authority — Report, 2011-12.
  - Goulburn Broken Catchment Management Authority — Report, 2011-12.
  - Goulburn Valley Health — Report, 2011-12.
  - Harness Racing Victoria — Report, 2011-12.
  - Health Department — Report, 2011-12.
  - Health Purchasing Victoria — Minister's report of receipt of 2011-12 report.
  - Health Services Commissioner — Report, 2011-12.
  - Human Services Department — Report, 2011-12.
  - Justice Department — Report, 2011-12.
  - Latrobe Regional Hospital — Report, 2011-12.
  - Mallee Catchment Management Authority — Report, 2011-12.
  - Medical Radiation Practitioners Board of Victoria — Minister's report of receipt of 2011-12 report.
  - Melbourne Health — Report, 2011-12.
  - Mercy Public Hospitals Incorporated — Report, 2011-12.
  - North Central Catchment Management Authority — Report, 2011-12.
  - North East Catchment Management Authority — Report, 2011-12.
  - Northern Health — Report, 2011-12.
  - Ombudsman — Report on the Investigation into allegations against Mr Geoff Shaw MP, October 2012.
  - Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Access by Donor-Conceived People to Information About Donors.
  - Peninsula Health — Report, 2011-12.
  - Peter MacCallum Cancer Centre — Report, 2011-12.

Port of Melbourne Corporation — Report, 2011-12.  
 Port Phillip and Westernport Catchment Management Authority — Report, 2011-12.  
 Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 2 October 2012.  
 Public Record Office Victoria — Report, 2011-12.  
 Radiation Advisory Committee — Report, 2011-12.  
 Royal Children's Hospital — Report, 2011-12.  
 Royal Victorian Eye and Ear Hospital — Report, 2011-12.  
 Royal Women's Hospital — Report, 2011-12.  
 Sentencing Advisory Council — Report, 2011-12.  
 Southern Health — Report, 2011-12.  
 St. Vincent's Hospital (Melbourne) Limited — Report, 2011-12.  
 Sustainability and Environment Department — Report, 2011-12.  
 Sustainability Victoria — Report, 2011-12.  
 State Trustees Limited — Report, 2011-12.  
 Terrorism (Community Protection) Act 2003 — Reports under sections 13, 13ZR and 21M of the Act, 2011-12.  
 Transport Department — Report, 2011-12.  
 Victims of Crime Assistance Tribunal — Report, 2011-12.  
 Victoria Legal Aid — Report, 2011-12.  
 Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2011-12 report.  
 Victorian Funds Management Corporation — Report, 2011-12.  
 Victorian Health Promotion Foundation — Report, 2011-12.  
 Victorian Industry Participation Policy — Report, 2011-12.  
 Victorian Pharmacy Authority — Minister's report of receipt of 2011-12 report.  
 Victorian WorkCover Authority — Report, 2011-12.  
 West Gippsland Catchment Management Authority — Report, 2011-12.  
 Western Health — Report, 2011-12.  
 Wimmera Catchment Management Authority — Report, 2011-12.

#### **4 PRODUCTION OF DOCUMENTS — VICTRACK'S LEASE PREMISES, CASTLEMAINE —**

The Clerk laid on the Table a letter, dated 9 October 2012, from the Minister for Public Transport in response to the Resolution of the Council of 12 September 2012 seeking the production of documents relating to VicTrack and the Maryborough Highland Society premises in Kennedy Street, Castlemaine —

- advising that the Government is still in the process of responding to this Resolution; and
- indicating that the Government will not be able to respond to the Council's Resolution within the time period requested but will endeavour to respond as soon as possible.

On the motion of Ms Hartland, the letter was ordered to be taken into consideration on the next day of meeting.

#### **5 SITTING OF THE COUNCIL —** Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 23 October 2012.

Question — put and agreed to.

#### **6 BUSINESS OF THE COUNCIL —** Mr D.M. Davis moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted on Thursday, 25 October 2012 —

- (1) Messages;
- (2) Questions without Notice;
- (3) Answers to Questions on Notice;
- (4) Formal Business;
- (5) Members' Statements;
- (6) Government Business;

- (7) At 11.30 a.m. — Assembly Chamber — Parliamentary apology statements regarding forced adoption policies;
- (8) Government Business (continues);
- (9) Adjournment.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 9 FIRE SERVICES PROPERTY LEVY BILL 2012** — Bill further considered in Committee of the whole.  
 Bill reported without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
 Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill, including the amendments made by the Assembly on the suggestion of the Council, without amendment.
- 10 PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012** — Order read for the resumption of debate on the question, That the Bill be now read a second time.  
 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.
- 11 COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**LIBERAL PARTY FUND RAISER ATTENDED BY MINISTER FOR PLANNING** — Mr Guy having given an answer to a question without notice and supplementary question relating to a Liberal Party fund raiser attended by the Minister for Planning —  
 On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 13 COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012** — Debate continued 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.
- 14 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:  
 Places Victoria — Report, 2011-12.
- 15 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** —  
 Debate resumed on the question, That the Bill be now read a second time.  
 Amendments proposed to be moved in Committee by Mr Tee were circulated.  
 Debate continued.  
 Question — put and agreed to.

Ms Hartland moved, That the Local Government Legislation Amendment (Miscellaneous) Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report, by 28 February 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg ( <i>Teller</i> )
Mr Somyurek ( <i>Teller</i> )	Ms Lovell
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Rich-Phillips

Question negatived.

Ms Hartland moved, That contingent upon the Local Government Legislation Amendment (Miscellaneous) Bill 2012 being committed, it be an instruction to the Committee that they have the power to consider amendments and a New Clause to amend the *Local Government Act 1989* to provide that a Council must ensure that the primary return and the most recent ordinary return of a Councillor is available on the internet website of the Council within three working days of receipt of the primary return or ordinary return.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Ms Mikakos ( <i>Teller</i> )	Mr Finn
Mr Pakula	Mr Guy
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie ( <i>Teller</i> )

Ms Tierney  
Mr Viney

Mrs Petrovich (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negated.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 16 RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Interpretation of Legislation Act 1984, the Mineral Resources (Sustainable Development) Act 1990, the Offshore Petroleum and Greenhouse Gas Storage Act 2010, the Petroleum Act 1998, the Pipelines Act 2005, the Resources Legislation Amendment Act 2011 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.
- 17 RETAIL LEASES AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Retail Leases Act 2003 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Somyurek), the debate was adjourned for one week.
- 18 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.
- 19 TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Marine Safety Act 2010, the Port Management Act 1995, the Transport (Compliance and Miscellaneous) Act 1983 and the Transport Legislation Amendment (Public Transport Development Authority) Act 2011 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**20 WORKING WITH CHILDREN AMENDMENT BILL 2012** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**21 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Rich-Phillips moved, by leave, That Mr David O'Brien be a member of the Family and Community Development Committee.

Question — put and agreed to.

**22 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — Bill committed to a Committee of the whole.

Bill reported with amendments, 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 with amendments and requesting their agreement.

**23 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.28 p.m., adjourned until Tuesday, 23 October 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 90, 91 and 92

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Tuesday, 9 October 2012

### 1 FIRE SERVICES PROPERTY LEVY BILL 2012

**Clause 1** — put and agreed to.

**Clause 2** — Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 2, lines 31 and 32, omit "94, 95, 97, 100, 101, 102, 103, 105, 108, 109 and 110" and insert "93, 94, 96, 99, 100, 101, 102, 104, 107, 108 and 109".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Ms Broad  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 19

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

Clause 2 — put and agreed to.

**Clause 3** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 3, page 5, lines 2 and 3, omit ", unless section 20 applies, calculated in accordance with section 17" and insert "as assessed and calculated in accordance with Part 2".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 4 to 8** — put and agreed to.

**Clause 9** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

2. Clause 9, page 9, lines 31 to 34, omit all words and expressions on these lines and insert—
  - "(b) the fixed charge part of the levy is to be apportioned so that the entire fixed charge for the undertaking is levied only in respect of the largest portion of the land and every other portion of land that forms a part of the undertaking is deemed to have a fixed charge of \$0.
- (7) If 2 or more portions of the land comprising one undertaking under subsection (6)(b) are equally the largest, the Minister must in writing direct which of the portions of land the fixed charge is to be levied against.
- (8) If any person is liable to be levied in respect of 2 or more parcels of leviable land that is farm land within the meaning of section 2(1) of the **Valuation of Land Act 1960**, or would be farm land if it were 2 hectares or more in area, and the parcels of land constitute a single farm enterprise, the person may apply to the collection agency for an exemption from the liability to pay the fixed charge part of the levy in respect of each parcel of leviable land that constitutes the single farm enterprise if—
  - (a) an exemption is not claimed in respect of at least one parcel of leviable land which forms part of the single farm enterprise; and
  - (b) in the case of a single farm enterprise which is occupied by more than one person, an exemption is not claimed in respect of more than one principal place of residence.
- (9) In subsection (8), **single farm enterprise** means 2 or more parcels of leviable land—
  - (a) which—
    - (i) are farm land; and
    - (ii) are farmed as a single enterprise; and
    - (iii) are occupied by the same person or persons—
 

whether or not the parcels of land are contiguous or are located in the same municipal district;

or
  - (b) which—
    - (i) as to all the properties except one, are farm land farmed as a single enterprise occupied by the same person or persons; and
    - (ii) as to one property contiguous with at least one of the other properties, is the principal place of residence of that person or one of those persons.
- (10) An application made to a collection agency under subsection (8) must be in the form and made within the period—
  - (a) specified in a direction of the Minister made under section 72; or
  - (b) if the Minister has not made a direction for the purposes of this section, specified by the relevant collection agency.
- (11) A collection agency may require an applicant for an exemption under subsection (8) to give further particulars, or to verify particulars, in respect of the person's application.
- (12) A person who has made an application for, or who has been granted, an exemption under subsection (8), must advise the relevant collection agency of any change in circumstances that could affect the person's eligibility for an exemption under that subsection."

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 10 and 11** — put and agreed to.

**Clause 12** — Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

7. Clause 12, line 33, omit "and".
8. Clause 12, page 14, lines 1 to 3, omit all words and expressions on those lines.
9. Clause 12, page 14, line 19, omit "Act; and" and insert "Act."
10. Clause 12, page 14, lines 20 to 22, omit all words and expressions on those lines.

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Ms Broad  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

## NOES, 22

Mr Barber  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Elsbury (*Teller*)  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Ms Hartland  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Ms Pennicuik  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

11. Clause 12, page 14, after line 33 insert—

- ( ) On or before the 6th sitting day after a determination under this section is published in the Government Gazette, the Minister must ensure that a copy of that determination is laid before each House of the Parliament.
- ( ) A failure to comply with subsection (6) does not affect the operation or effect of the determination but the Scrutiny of Acts and Regulations Committee of the Parliament may report the failure to each House of the Parliament.
- ( ) A determination under this section may be disallowed in whole or in part by either House of Parliament.
- ( ) Part 5A of the **Subordinate Legislation Act 1994** applies to a determination under this section as if—
  - ( ) a reference in that Part to a "legislative instrument" were a reference to a determination under this section; and
  - ( ) a reference in section 25C of that Act to "section 16B(1)" were a reference to subsection (6); and
  - ( ) the determination had been published in the Government Gazette for the purposes of section 16A of that Act on the day on which notice of the determination was published in the Government Gazette.
- ( ) A reference to a determination under this section includes a reference to any amendment to a determination under this section.'

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and negatived.

Clause 12 — put and agreed to.

**Clauses 13 to 16** — put and agreed to.

**Clause 17** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

3. Clause 17, lines 28 to 30, omit all words and expressions on those lines and insert—  
 "FC means—

- (a) if section 9(6)(b) applies to the leviable land and the leviable land is not the largest portion in an undertaking, \$0;
- (b) if section 9(7) applies and the portion in an undertaking is not the portion in respect of which the Minister has made a direction, \$0;
- (c) in all other cases, the fixed charge that applies to the leviable land specified in section 11(2) as adjusted under section 11(3);".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

**Clause 18 — Mr Lenders moved —**

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

12. Clause 18, after line 13 insert—

- ( ) On or before the 6th sitting day after a notice under this section is published in the Government Gazette, the Minister must ensure that a copy of that notice is laid before each House of the Parliament.
- ( ) A failure to comply with subsection (3) does not affect the operation or effect of the notice but the Scrutiny of Acts and Regulations Committee of the Parliament may report the failure to each House of the Parliament.
- ( ) A notice under this section may be disallowed in whole or in part by either House of Parliament.
- ( ) Part 5A of the **Subordinate Legislation Act 1994** applies to a notice under this section as if—
  - ( ) a reference in that Part to a "legislative instrument" were a reference to a notice under this section; and
  - ( ) a reference in section 25C of that Act to "section 16B(1)" were a reference to subsection (3); and
  - ( ) the notice had been published in the Government Gazette for the purposes of section 16A of that Act on the day on which notice of the notice under this section was published in the Government Gazette.
- ( ) A reference to a notice under this section includes a reference to any amendment to a notice under this section.!

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and negatived.

Clause 18 — put and agreed to.

**Clauses 19 to 28 — put and agreed to.**

**Clause 29 — Mr Lenders moved —**

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

13. Clause 29, page 31, line 16, omit "Act." and insert "Act; or".

14. Clause 29, page 31, after line 16 insert—

- "(c) a health care card issued under section 1061ZS of the Social Security Act 1991 of the Commonwealth."

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik

NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch

Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Mrs Kronberg  
 Ms Lovell (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

Clause 29 — put and agreed to.

**Clauses 30 to 33** — put and agreed to.

**Clause 34** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

4. Clause 34, lines 31 and 32, omit "and paid out of the account maintained".
5. Clause 34, line 33, omit "under section 37".

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 35 and 36** — put and agreed to.

**Heading to clause 37** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

6. Heading to clause 37, line 16, omit "**kept in dedicated account**" and insert "**separately accounted for**".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of Heading clause 37 postponed.

**Clause 37** — Mr Rich-Phillips moved —

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

7. Clause 37, lines 17 to 20, omit all words and expressions on these lines and insert—  
 "(1) A collection agency must separately account for levy amounts and levy interest collected by the collection agency under this Act."
8. Clause 37, lines 22 and 23, omit "and paid into an account specified in subsection (1)" and insert "under this Act".
9. Clause 37, lines 26 and 27, omit "paid into an account specified in subsection (1)".
10. Clause 37, lines 30 and 31, omit "paid into the account specified in subsection (1)".
11. Clause 37, page 40, lines 1 and 2, omit "paid into an account specified in subsection (1)" and insert "collected by a collection agency".
12. Clause 37, page 40, line 4, omit "paid out of the account and".

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 38 to 85** — put and agreed to.

**Clause 86** — Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

16. Clause 86, line 11, omit "may" and insert "must".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

Clause 86 — put and agreed to.

**Clauses 87 to 136** — put and agreed to.

**Schedule** — put and agreed to.

**Progress reported.**

## Thursday, 11 October 2012

### 1 FIRE SERVICES PROPERTY LEVY BILL 2012

*Progress having been reported on 9 October 2012 —*

**Postponed Clause 3** — put and agreed to.

**Postponed Clause 9** — put and agreed to.

**Postponed Clause 17** — put and agreed to.

**Postponed Clause 34** — put and agreed to.

**Postponed heading to Clause 37** — put and agreed to.

**Postponed Clause 37** — put and agreed to.

**Bill reported without amendment.**

**2 PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012**

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pennicuik moved —

1. Clause 2, line 14, omit "72" and insert "73".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

<p>AYES, 3</p> <p>Mr Barber (<i>Teller</i>)</p> <p>Ms Hartland</p> <p>Ms Pennicuik (<i>Teller</i>)</p>	<p>NOES, 36</p> <p>Mr Atkinson</p> <p>Ms Broad</p> <p>Mrs Coote</p> <p>Ms Crozier</p> <p>Mr Dalla-Riva</p> <p>Ms Darveniza</p> <p>Mr D.M. Davis</p> <p>Mr P.R. Davis</p> <p>Mr Drum</p> <p>Mr Eideh</p> <p>Mr Elasmarr</p> <p>Mr Elsbury</p> <p>Mr Finn</p> <p>Mr Guy</p> <p>Mr Hall</p> <p>Mr Jennings</p> <p>Mr Koch</p> <p>Mrs Kronberg</p> <p>Mr Leane</p> <p>Mr Lenders</p> <p>Ms Lovell</p> <p>Ms Mikakos</p> <p>Mr O'Brien</p> <p>Mr O'Donohue (<i>Teller</i>)</p> <p>Mr Ondarchie</p> <p>Mr Pakula</p> <p>Mrs Petrovich</p> <p>Mrs Peulich</p> <p>Ms Pulford</p> <p>Mr Ramsay</p> <p>Mr Rich-Phillips</p> <p>Mr Scheffer</p> <p>Mr Somyurek (<i>Teller</i>)</p> <p>Mr Tarlamis</p> <p>Mr Tee</p> <p>Ms Tierney</p>
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Amendment negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 32** — put and agreed to.

**Clause 33** — Question — That Clause 33 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 36

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich (*Teller*)  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 34 to 73** — put and agreed to.

**Bill reported without amendment.**

### 3 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012

**Clause 1** — put and agreed to.

**Clause 2** — Consideration of clause postponed.

**Clauses 3 to 8** — put and agreed to.

**Clause 9** — Mr Tee moved —

3. Clause 9, line 8, omit "14" and insert "7".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

AYES, 17	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Ms Mikakos	Mr Elsbury ( <i>Teller</i> )
Mr Pakula	Mr Finn
Ms Pennicuik	Mr Guy
Ms Pulford	Mr Hall
Mr Scheffer	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tarlamis ( <i>Teller</i> )	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Amendment negated.

Ms Hartland moved —

3. Clause 9, line 8, omit "14" and insert "3".

Question — That the amendment be agreed to — put and negated.

Clause 9 — put and agreed to.

**Clauses 10 to 13** — put and agreed to.

**New Clauses** — Mr Tee moved —

4. Insert the following New Clauses to follow clause 13—

**A Definitions**

In section 81A of the **Local Government Act 1989**, in the definition of *misconduct*—

(a) in paragraph (b), after "Councillor;" insert "or"; and

(b) after paragraph (b) insert—

"(c) the failure to vote at a meeting of a Council if required to vote under section 90(1)(b);".

**B Application to Councillor Conduct Panel**

After section 81B(1) of the **Local Government Act 1989** insert—

"(1A) If a Councillor who is required to vote under section 90(1)(b) fails to vote, the Chief Executive Officer must make an application for a Councillor Conduct Panel to make a finding of misconduct against the Councillor.".

Question — That the New Clauses stand part of the Bill — put and negated.

**Postponed Clause 2** — put and agreed to.

**Clauses 14 and 15** — put and agreed to.

**Clause 16** — Mr Tee moved —

5. Clause 16, lines 13 and 14, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

## NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 16 — put and agreed to.

**Clause 17** — Question — That Clause 17 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

## NOES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Ms Mikakos (*Teller*)  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clause 18** — Mr Guy moved —

1. Clause 18, line 27, omit "Officer;" and insert "Officer—".
2. Clause 18, after line 27 insert—  
 "but does not include a written complaint that is frivolous or vexatious;".

Question — That the amendments be agreed to — put and agreed to.  
Clause 18, as amended — put and agreed to.

**Clauses 19 and 20** — put and agreed to.

**Clause 21** — Question — That Clause 21 stand part of the Bill — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 34

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings (*Teller*)  
Mrs Kronberg  
Mr Leane  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Question agreed to.

**Clauses 22 to 33** — put and agreed to.

**Bill reported with amendments.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 93, 94 and 95

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#### No. 93 — Tuesday, 23 October 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE PETER ROSS-EDWARDS, AM** — Mr Hall moved, That this House expresses its sincere sorrow at the death, on 10 October 2012, of Mr Peter Ross-Edwards, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Shepparton from 1967 to 1991 and as Parliamentary Leader of the Country Party and the National Party from 1970 to 1988.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
Mr D.M Davis moved, That as a further mark of respect to the memory of the late Peter Ross-Edwards, AM, the House do now adjourn until this day at 5.00 p.m.  
Question — put and agreed to.  
And then the Council, at 2.52 p.m., adjourned until this day at 5.00 p.m.  
*[Sitting suspended from 2.52 p.m. until 5.03 p.m.]*
- 3 **ASSENT TO ACTS** — The President read Messages from —  
The Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 16 October 2012, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Drugs, Poisons and Controlled Substances Amendment Act 2012*  
*Fire Services Property Levy Act 2012.*  
The Governor informing the Council that he had on, 23 October 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Community Based Sentences (Transfer) Act 2012*  
*Primary Industries and Food Legislation Amendment Act 2012*  
*Working with Children Amendment Act 2012.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**FEDERAL GOVERNMENT TRAINING FUNDING CUTS** — Mr Hall having given an answer to a question without notice relating to Federal Government training funding cuts —  
On the motion of Mrs Peulich, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**5 PETITIONS —**

**TAFE FUNDING** — Mr Scheffer and Mr Tarlamis each presented Petitions bearing 89 and 131 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Scheffer presented a Petition bearing 455 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

**6 PAPERS —**

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 15 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2012.

Ombudsman — Report on the Investigation into allegations of improper conduct involving Victoria Police, October 2012.

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

Alpine Planning Scheme — Amendment C29 Part 1.

Greater Bendigo Planning Scheme — Amendment C194.

Greater Dandenong Planning Scheme — Amendment C147.

Melbourne Planning Scheme — Amendment C201.

Murrindindi Planning Scheme — Amendment C35.

South Gippsland Planning Scheme — Amendment C61.

Victoria Planning Provisions — Amendment VC96.

Police Appeals Board — Report, 2011-12.

Rolling Stock Holdings (VL-1) Pty Ltd — Minister's report of receipt of 2011-12 report.

Rolling Stock Holdings (VL-2) Pty Ltd — Minister's report of receipt of 2011-12 report.

Rolling Stock Holdings (VL-3) Pty Ltd — Minister's report of receipt of 2011-12 report.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2011-12.

Rolling Stock (Victoria-VL) Pty Ltd — Report, 2011-12.

A Statutory Rule under the Freedom of Information Act 1982 — No. 112.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 101, 111 and 112.

Legislative Instrument and related documents under section 16B in respect of an Order of 5 October 2012 determining the time period for regular swab testing under sections 19(2)(a)(ii) and 20(2)(a)(ii) of the Sex Work Act 1994.

Victorian Rail Track — Report, 2011-12.

Water Act 1989 — Lower Campaspe Valley Water Supply Protection Area Groundwater Management Plan, June 2012.

\* \* \* \* \*

**PROCLAMATION** — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette No. S345, 16 October 2012*).

**BUDGET SECTOR — FINANCIAL REPORT, 2011-12** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2011-12 Financial Report (Incorporating Quarterly Financial Report No. 4).

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2009-10 AND 2010-11 FINANCIAL AND PERFORMANCE OUTCOMES REPORT** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2009-10 and 2010-11 Financial and Performance Outcomes.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 24 October 2012:

- (1) the Notice of Motion given this day by Mr Jennings relating to Victorian hospitals;
- (2) the Notice of Motion given this day by Mr Jennings relating to health care in Mildura;
- (3) the Notice of Motion given this day by Mr Barber relating to the production of documents in relation to an East-West Road Tunnel;
- (4) Order of the Day No. 33, consideration of a letter from the Minister for Public Transport relating to VicTrack's Lease Premises in Castlemaine; and
- (5) Notice of Motion No. 449 standing in the name of Ms Pennicuik taking note of a petition relating to duck shooting.

Debate ensued.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 205, 366, 380, 387 to 389, 391, 393 to 395, 397, 398, 417, 419, 421, 423, 425, 427, 429 to 431, 437 to 439, 446 and 448, be postponed until later this day.

**10 LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE REFERENCE** — Mr D.M. Davis moved, That, with reference to the 2009-10 and 2010-11 reports of the Australian Health Practitioner Regulation Agency, tabled in this House on 8 February 2011 and 7 December 2011 respectively, and any subsequent reports of the Agency tabled in this House, this House requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the performance of the Australian Health Practitioner Regulation Agency including the cost effectiveness, the regulatory efficacy of and the ability of the National Scheme to protect the Victorian public and the Committee is required to present its final report no later than 29 November 2013.

Debate ensued.

Mr Viney moved, as an amendment, That the words "Legal and Social Issues Legislation" be omitted with the view of inserting in their place "Legal and Social Issues References".

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Jennings  
Ms Hartland  
Mr Leane (*Teller*)

NOES, 20

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn

Ms Mikakos	Mr Guy ( <i>Teller</i> )
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negated.

Question — That, with reference to the 2009-10 and 2010-11 reports of the Australian Health Practitioner Regulation Agency, tabled in this House on 8 February 2011 and 7 December 2011 respectively, and any subsequent reports of the Agency tabled in this House, this House requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the performance of the Australian Health Practitioner Regulation Agency including the cost effectiveness, the regulatory efficacy of and the ability of the National Scheme to protect the Victorian public and the Committee is required to present its final report no later than 29 November 2013.

— put and agreed to.

- 11 CIVIL PROCEDURE AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Scheffer —*

- 12 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.42 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 94 — Wednesday, 24 October 2012

- The Deputy President took the Chair and read the Prayer.
- 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 Reports on —
    - Collections Management in Cultural Agencies, October 2012.
    - Effectiveness of Compliance Activities: Departments of Primary Industries and Sustainability and Environment, October 2012.
  - CenITex — Report, 2011-12.
  - Greater Metropolitan Cemeteries Trust — Report, 2011-12.
  - Ombudsman — Report on the Investigation into allegations of improper conduct by CenITex officers, October 2012.
- MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 HEALTH BUDGET** — Mr Jennings moved, That this House —

- (1) condemns the Minister for Health for the disastrous impacts inflicted on the Victorian hospital system through the poor budget outcomes the Baillieu Government has provided the health portfolio since coming to office;
- (2) notes that the deteriorating performance of hospitals has occurred despite Victoria receiving in excess of \$3.6 billion this year from the Commonwealth Government in health funding alone;
- (3) expresses concern on behalf of all Victorian patients who are waiting longer for elective surgery, as a result of waiting lists blowing-out to 46,131, the longest waiting lists in Victoria since current recording methods were introduced in 1992;
- (4) calls on the Baillieu Government to correct this situation by augmenting the health budget to support Victorian hospitals before waiting lists grow to in excess of 50,000, as they are expected to do under current funding arrangements; and
- (5) expresses support for the state-wide provision of public health services staying in public hands and opposes the attempts of the Baillieu Government to privatise the hospital system by stealth.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.**6 HEALTH BUDGET** — Debate continued on the question, That this House —

- (1) condemns the Minister for Health for the disastrous impacts inflicted on the Victorian hospital system through the poor budget outcomes the Baillieu Government has provided the health portfolio since coming to office;
- (2) notes that the deteriorating performance of hospitals has occurred despite Victoria receiving in excess of \$3.6 billion this year from the Commonwealth Government in health funding alone;
- (3) expresses concern on behalf of all Victorian patients who are waiting longer for elective surgery, as a result of waiting lists blowing-out to 46,131, the longest waiting lists in Victoria since current recording methods were introduced in 1992;
- (4) calls on the Baillieu Government to correct this situation by augmenting the health budget to support Victorian hospitals before waiting lists grow to in excess of 50,000, as they are expected to do under current funding arrangements; and
- (5) expresses support for the state-wide provision of public health services staying in public hands and opposes the attempts of the Baillieu Government to privatise the hospital system by stealth.

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

**7 MILDURA HEALTHCARE SERVICES** — Mr Jennings moved, That this House —

- (1) calls on the Minister for Health to stop betraying the people of Mildura and district by not guaranteeing the ongoing provision of publicly accountable quality health care, as the Government continues to wriggle out of maintaining services in public control;
- (2) notes that contrary to the assertion that the privatised Mildura hospital can demonstrate superior performance to many other hospitals in regional Victoria, the Minister's hospital data set does not provide publicly released information that supports this assertion; and
- (3) calls on the Minister to be fully honest and open on these matters with the residents of Mildura, who have every right as Victorian citizens to have their desire for a publicly funded and accountable service recognised by the Minister and the Baillieu Government.

Debate ensued.

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

- 8 PRODUCTION OF DOCUMENTS — EAST-WEST ROAD TUNNEL** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 13 November 2012, all documents provided to Infrastructure Australia by the Department of Premier and Cabinet since January 2011 relating to the proposal for an east-west road tunnel.  
Debate ensued.  
Question — put and agreed to.
- 9 VICTRACK'S LEASE PREMISES, CASTLEMAINE** — Ms Hartland moved, That the Council take note of the Minister for Public Transport's letter of 7 October 2012 in relation to the production of documents relating to VicTrack's Lease Premises at Castlemaine.  
Debate ensued.  
*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Ondarchie —*
- 10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 11 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.  
Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.  
And then the Council, at 6.59 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 95 — Thursday, 25 October 2012

- 1** The Deputy President took the Chair and read the Prayer.
- 2 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** —  
The Deputy President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 3 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 PETITIONS** —  
**TAFE FUNDING** — Mr Leane (for Mr Viney) presented a Petition bearing 229 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.  
Ordered to lie on the Table.  
\* \* \* \* \*
- VICTORIAN TAFE SYSTEM FUNDING** — Mr Leane (for Mr Viney) presented a Petition bearing 530 signatures from certain citizens of Victoria requesting that the Legislative Council reinstate full service funding levels to all Victorian TAFE agencies, increase the level of reinstated funding and review the cuts to course subsidy levels.  
Ordered to lie on the Table.  
\* \* \* \* \*
- COST OF LIVING** — Mr Lenders presented a Petition bearing 2 signatures from certain citizens of Victoria requesting that the Government take immediate steps to cut the cost of living for families, as promised, and reverse the budget cuts that have resulted in increased living costs.  
Ordered to lie on the Table.

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

Ombudsman — Report on the Investigation into allegations concerning rail safety in the Melbourne Underground Rail Loop, October 2012.

Special Investigations Monitor's Office — Report, 2011-12.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 113.

Melbourne City Link Act 1995 — No. 114.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 113 and 114.

Surveillance Devices Act 1999 — Primary Industries Department Report under section 30L of the Act, 2011-12.

Victorian Civil and Administrative Tribunal — Report, 2011-12.

Victorian Environmental Assessment Council Act 2001 — Minister's request for the Victorian Environment Assessment Council to investigate additional prospecting areas in parks, pursuant to section 16(1)(a) of the Act.

**6 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 13 November 2012.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 CIVIL PROCEDURE AMENDMENT BILL 2012** — 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, 21

NOES, 19

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza (*Teller*)

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmir

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos

Mr Hall

Mr Pakula

Mr Koch

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek (*Teller*)

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie (*Teller*)

Mr Tee

Mrs Petrovich

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question 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.

**10 RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012** — 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.

*[Sitting suspended from 11.20 a.m. until 2.03 p.m.]*

**11 PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Parliamentary Apology for Past Adoption Practices.

Question — put and agreed to.

The Apology was presented by Mr D.M. Davis and ordered to lie on the table.

Mr D.M. Davis moved, That the Apology be taken into consideration on the next day of meeting.

Question — put and agreed to.

**12 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik 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.

**13 TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012** — 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 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.

**14 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 to ban smoking between the flags at patrolled beaches and within a 50 metre radius of each of those flags and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

**15 JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal section 134AE of the Accident Compensation Act 1985, to amend the Judicial Remuneration Tribunal Act 1995 regarding reporting periods, to amend rule making powers in the Supreme Court Act 1986, to amend the County Court Act 1958 in relation to recognition of service for pension entitlements, to amend the Terrorism (Community Protection) Act 2003 to extend the date for tabling a report on the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**16 ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Management Act 2004 in relation to the Peninsula Link Freeway and to amend the Accident Towing Services Act 2007 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**17 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 5.34 p.m., adjourned until Tuesday, 13 November 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 93, 94 and 95

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Thursday, 25 October 2012

### 1 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012

**Clauses 1 to 12** — put and agreed to.

**Clause 13** — Ms Pennicuik moved —

1. Clause 13, line 9, omit 'offender.'" and insert "offender;".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Question — That Clause 13 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 14 and 15** — put and agreed to.

**Bill reported without amendment.**

## **2 TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012**

**Clauses 1 to 25** — put and agreed to.

**Clause 26** — Mr Pakula moved —

1. Clause 26, page 68, line 30, omit all words and expressions on this line and insert—
  - (1) This section applies to—
    - (a) a vessel that is being operated; or
    - (b) a vessel that a member of the police force believes on reasonable grounds—
      - (i) will be operated on State waters; or
      - (ii) has been operated on State waters within the preceding 30 days.

- (2) This section does not limit section 162A.
- (3) A member of the police force who believes on reasonable grounds that the owner or operator of a vessel has not complied with this Act or the regulations, or the vessel does not comply with this Act or the regulations, may—
- (a) enter and search the vessel; and
  - (b) inspect any equipment, builders plate or vessel document found on the vessel."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula  
 Ms Pennicuik (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 26 — put and agreed to.

**Clauses 27 to 34** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 96, 97 and 98

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#### No. 96 — Tuesday, 13 November 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE DR SUBHAKANTA BEHARA** — The President advised the House of the death on 9 November 2012 of Dr Subhakanta Behara, Consul-General for India in Melbourne. Members stood in their places as a mark of respect to the memory of the late Dr Subhakanta Behara.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 30 October 2012 —
    - Civil Procedure Amendment Act 2012*
    - Local Government Legislation Amendment (Miscellaneous) Act 2012*
    - Resources Legislation Amendment (General) Act 2012.*
  - On 7 November 2012 —
    - Serious Sex Offenders (Detention and Supervision) Amendment Act 2012*
    - Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —
  - ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 16 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.Ordered to lie on the Table and to be printed.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Architects Registration Board of Victoria — Minister's report of receipt of 2011-12 report.
  - Australian Health Practitioner Regulation Agency — Report, 2011-12.
  - Crown Land (Reserves) Act 1978 —
    - Minister's Order of 22 October 2012 giving approval to the granting of leases at Lakeside Stadium Reserve.
    - Minister's Order of 22 October 2012 giving approval to the granting of a licence at Lorne Pier Reserve.
    - Minister's Order of 23 October 2012 giving approval to the granting of a licence at Edinburgh Gardens Reserve.

- Minister's Order of 30 October 2012 giving approval to the granting of a licence at Bannockburn Bushland Reserve.
- Evidence (Miscellaneous Provisions) Act 1958 — Report, 2011-12, from the Chief Commissioner of Police pursuant to section 42BI of the Act.
- Melbourne City Link Act 1995 —
- City Link and Extension Projects Integration and Facilitation Agreement Twentieth Amending Deed, 30 October 2012, pursuant to section 15B(5) of the Act.
  - Freeway Management System Coordination Agreement Second Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.
  - M1 Corridor Redevelopment Deed Fourth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.
  - Melbourne City Link Thirtieth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.
- Murray-Darling Basin Authority — Report, 2010-11.
- Office of Police Integrity — Report under section 30L of the Surveillance Devices Act 1999, 2011-12.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme — Amendment C25.
  - Ararat Planning Scheme — Amendment C18.
  - Ballarat Planning Scheme — Amendment C158.
  - Boroondara Planning Scheme — Amendments C121, C152 and C165.
  - Campaspe Planning Scheme — Amendment C92.
  - Cardinia Planning Scheme — Amendment C106.
  - Frankston Planning Scheme — Amendment C63.
  - Greater Geelong Planning Scheme — Amendment C269.
  - Greater Shepparton Planning Scheme — Amendment C164.
  - Hobsons Bay Planning Scheme — Amendment C63.
  - Horsham Planning Scheme — Amendment C53.
  - Knox Planning Scheme — Amendment C124.
  - Loddon Planning Scheme — Amendment C32.
  - Macedon Ranges Planning Scheme — Amendments C66 and C80.
  - Melbourne Planning Scheme — Amendment C195.
  - Mitchell Planning Scheme — Amendment C89.
  - Mornington Peninsula Planning Scheme — Amendments C152, C158 and C169.
  - Stonnington Planning Scheme — Amendments C145 and C157.
  - Wellington Planning Scheme — Amendments C62 and C67.
  - Whittlesea Planning Scheme — Amendment C166 Part 1.
  - Wyndham Planning Scheme — Amendment C167.
  - Yarra Planning Scheme — Amendment C161.
- Statutory Rules under the following Acts of Parliament:
- Ambulance Services Act 1986 — No. 116.
  - Environment Protection Act 1970 — No. 115.
  - Evidence (Miscellaneous Provisions) Act 1958 — No. 122.
  - Local Government Act 1989 — No. 117.
  - Magistrates' Court Act 1989 — Nos. 119 and 123.
  - Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 118.
  - Supreme Court Act 1986 — No. 120.
  - Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 121.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 115 to 121 and 123.
  - Legislative Instruments and related documents under section 16B in respect of —
  - A Declaration of 23 October 2012 of a Discount Factor made under section 19 of the Victorian Energy Efficiency Act 2007.

An extension notice of 18 October 2012 of the interim ban order of 23 August 2012 on the supply of small, separable or loose permanent magnetic objects under the Australian Consumer Law and Fair Trading Act 2012.

Minister's notice of 29 October 2012 of consent for Tow Trucks to use Emergency Stopping Lanes on Freeways under Road Safety Road Rules 2009.

Specifications of Railway Stations for the purposes of the definition of 'Designated Area' of 2 April 2012 and 20 April 2012 made under the Transport (Ticketing) Regulations 2006.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2011-12.

\* \* \* \* \*

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

Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012 — Part 1, sections 4, 6, 8 and 33 and Divisions 4 and 5 of Part 3 — 7 November 2012 (*Gazette No. S373, 7 November 2012*).

Land (Revocation of Reservations) Act 2012 — 31 October 2012 (*Gazette No. S366, 30 October 2012*).

Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette No. S345, 16 October 2012*).

Port Management Further Amendment Act 2012 — 14 November 2012 (*Gazette No. S373, 7 November 2012*).

Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012 — Part 1 and sections 26, 27, 29 and 30 — 8 November 2012; Remaining provisions — 1 December 2012 (*Gazette No. S373, 7 November 2012*).

**6 PRODUCTION OF DOCUMENTS — EAST-WEST ROAD TUNNEL** — The Clerk laid on the Table a letter from the Premier, dated 9 November 2012, together with certain documents provided to Infrastructure Australia by the Department of Premier and Cabinet since January 2011 relating to the proposal for an east-west road tunnel, in accordance with the Resolution of the Council of 24 October 2012.

**7 COMMONWEALTH HEALTH FUNDING** — Mr D.M. Davis moved, by leave, That this House —

- (1) expresses its serious concern at the recently announced reduction in Commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set;
- (2) expresses concern about the factual basis of the Commonwealth's decision, which relies on disputed population figures, noting also the lack of consultation with States and Territories prior to the decision;
- (3) calls upon the heads of Treasuries to convene urgently to discuss the Commonwealth Treasurer's determination and report on the basis of this decision, noting that the reductions in Commonwealth funding for public hospitals will, unless reversed, be implemented in early December 2012 in the form of a \$39 million claw back of funding to Victoria from the 2011-12 financial year and a \$67 million reduction in the 2012-13 financial year for Victorian hospitals and large reductions in forthcoming financial years bringing the total Commonwealth funding reductions of the health and hospitals funding through the healthcare SPP and National Hospital Agreement to \$475 million since the announcement of the Commonwealth's 2012-13 Budget; and
- (4) further notes that six state health ministers expressed concern about the announced reduction in Commonwealth health funding at the recent Standing Council on Health meeting.

Debate ensued.

On the motion of Ms Hartland, the debate was adjourned until the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 14 November 2012:

- (1) Notice of Motion No. 405 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee relating to unconventional gas explorations;
- (2) Notice of Motion No. 383 standing in the name of Mr Barber relating to the introduction of the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2012;
- (3) the Notice of Motion given this day by Ms Hartland relating to the introduction of the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012;
- (4) the Notice of Motion given this day by Mr Jennings relating to health services in Victoria; and
- (5) the Notice of Motion given this day by Ms Hartland calling on the Government to introduce legislation to ban solariums and the private sale of sunbeds.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until the later this day.

**11 PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Mrs Coote moved, That the Council take note of the Parliamentary Apology for Past Adoption Practices tabled in this House on 25 October 2012.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.

**12 ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE REFERENCE** — Mr D.M. Davis moved, That, with reference to the Department of Planning and Community Development's Report, 2011-12, and a commitment to cut red tape in planning, this House requires the Environment and Planning Legislation Committee to inquire into, consider and report on reform of the application of the Regulatory Impact Statement (RIS) process and in particular —

- (1) Regulatory Impact Assessment models;
- (2) Business Impact Assessment models;
- (3) possible legislative reform;
- (4) economic modelling and methodology application including:
  - (a) discount rates; and
  - (b) consultant costs;
- (5) regulatory impacts of the RIS process; and
- (6) the annual cost to government of RIS processes;

and the Committee is required to present its final report no later than 29 November 2013.

Debate ensued.

Mr Viney moved, as an amendment, That the words "Environment and Planning Legislation" be omitted with the view of inserting in their place "Environment and Planning References".

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put and negatived.

Question — That, with reference to the Department of Planning and Community Development's Report, 2011-12, and a commitment to cut red tape in planning, this House requires the Environment and Planning Legislation Committee to inquire into, consider and report on reform of the application of the Regulatory Impact Statement (RIS) process and in particular —

- (1) Regulatory Impact Assessment models;
- (2) Business Impact Assessment models;

- (3) possible legislative reform;
  - (4) economic modelling and methodology application including:
    - (a) discount rates; and
    - (b) consultant costs;
  - (5) regulatory impacts of the RIS process; and
  - (6) the annual cost to government of RIS processes;
- and the Committee is required to present its final report no later than 29 November 2013.

— put and agreed to.

**13 JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012** — 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.

**14 ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012** — 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.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

**16 RETAIL LEASES AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 9.58 p.m. pursuant to Sessional Orders —*

**17 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 97 — Wednesday, 14 November 2012**

1 The Deputy President took the Chair and read the Prayer.

**2 PETITIONS —**

**SECONDARY SCHOOL IN MERNDA** — Ms Mikakos presented a Petition bearing 44 signatures from certain citizens of Victoria requesting that the Government make allowances in the 2012-13 Budget to begin construction of a school at the earliest possible date at Breadalbane Avenue, Mernda.

Ordered to lie on the Table.

On the motion of Ms Mikakos, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**TAFE FUNDING** — Ms Tierney and Mr Leane each presented Petitions bearing 688 and 413 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Leane presented a Petition bearing 195 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

### 3 PAPERS —

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ESTABLISHMENT AND EFFECTIVENESS OF REGISTERED ABORIGINAL PARTIES** — Mr Koch presented a Report from the Environment and Natural Resources Committee on the Establishment and Effectiveness of Registered Aboriginal Parties (including Appendices and an Extract of Proceedings), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — AGRICULTURAL EDUCATION AND TRAINING IN VICTORIA** — Ms Tierney presented a Report from the Education and Training Committee on Agricultural Education and Training in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Tierney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Annual Financial Report of the State of Victoria, 2011-12, November 2012.

Port of Melbourne Channel Deepening Project: Achievement of Objectives, November 2012.

Public Hospitals: Results of the 2011-12 Audits, November 2012.

Water Entities: Results of the 2011-12 Audits, November 2012.

Gambling Regulation Act 2003 — Review of the Wagering Tax Rate post 16 August 2012.

Statutory Rules under the following Acts of Parliament:

Port Management Act 1995 — Nos. 124 and 125.

Subordinate Legislation Act 1994 — No. 126.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 124 and 125.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REFERENCE** — Mr Lenders moved, That, under section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 30 August 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

- (1) investigate the extent of unconventional exploration for gas in Victoria;
- (2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;
- (3) consider the impact of unconventional exploration, including the various extraction methods used on the —

- (a) natural environment;
  - (b) human health; and
  - (c) economy and jobs in Victoria;
- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and
- (5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REFERENCE** — Debate continued on the question, That, under section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 30 August 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

- (1) investigate the extent of unconventional exploration for gas in Victoria;
- (2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;
- (3) consider the impact of unconventional exploration, including the various extraction methods used on the —
  - (a) natural environment;
  - (b) human health; and
  - (c) economy and jobs in Victoria;
- (4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and
- (5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr (*Teller*)  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Mr Pakula  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich

Mr Viney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

**8 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2012** — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984 and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

On the motion of Mr Elsbury, the debate was adjourned for two weeks.

**9 TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2012** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in certain outdoor areas and for other purposes.*

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

**10 HEALTH SERVICES** — Mr Jennings moved, That this House notes that two years after being elected the Baillieu-Ryan Government has failed Victoria in health service development and further notes its actions in shutting down scrutiny of health services in Victoria.

Debate ensued.

On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned until later this day.

**11 SOLARIUM BAN** — Ms Hartland moved, That this House —

- (a) notes the statement released by the Cancer Council of Victoria and signed by 161 cancer specialists and clinicians of the Victorian Co-operative Oncology Group calling for the ban of solariums; and
- (b) calls on the Baillieu Government to introduce legislation to ban solariums and the private sale of sunbeds.

Debate ensued.

Mr Jennings moved, as an amendment, That after paragraph (b) the following be inserted —

“; and

- (c) requires the Legal and Social Issues References Committee to inquire into, consider and report no later than 1 August 2013 on the health risks associated with solarium/sunbed use in Victoria.”.

Debate ensued.

Question — That the amendment moved by Mr Jennings be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik (*Teller*)  
Mr Scheffer

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell

Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Question — That this House —

- (a) notes the statement released by the Cancer Council of Victoria and signed by 161 cancer specialists and clinicians of the Victorian Co-operative Oncology Group calling for the ban of solariums; and
- (b) calls on the Baillieu Government to introduce legislation to ban solariums and the private sale of sunbeds.

— put and agreed to.

- 12 HEALTH SERVICES** — Debate continued on the question, That this House notes that two years after being elected the Baillieu-Ryan Government has failed Victoria in health service development and further notes its actions in shutting down scrutiny of health services in Victoria.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 14 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.39 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 98 — Thursday, 15 November 2012

- 1** The President took the Chair and read the Prayer.

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

Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2012.

Office of Police Integrity — Report on Policing people who appear to be mentally ill, November 2012.

Parliamentary Committees Act 2003 — Government Response to the Electoral Matters Committee's Report on the conduct of the 2010 Victorian state election and matters related thereto.

Professional Standards Act 2003 — Association of Taxation and Management Accountants Scheme, 26 October 2012.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 27 November 2012.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — 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 committed to a Committee of the whole.  
House in Committee.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012** — 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.
- 9 RETAIL LEASES AMENDMENT BILL 2012** — 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.
- 10 FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012** — Order read for the resumption of debate on the question, That the Bill be now read a second time.  
*And the Deputy President having ruled the Bill to be a Private Bill —*  
On the motion of Mr Guy, this Bill was ordered to be dealt with as a Public Bill.  
Debate resumed.  
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.
- 11 PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES** — Debate resumed on the question, That the Council take note of the Parliamentary Apology for Past Adoption Practices.  
Question — put and agreed to.
- 12 COMMONWEALTH HEALTH FUNDING** — Debate resumed on the question, That this House —
- (1) expresses its serious concern at the recently announced reduction in Commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set;
  - (2) expresses concern about the factual basis of the Commonwealth's decision, which relies on disputed population figures, noting also the lack of consultation with States and Territories prior to the decision;
  - (3) calls upon the heads of Treasuries to convene urgently to discuss the Commonwealth Treasurer's determination and report on the basis of this decision, noting that the reductions in Commonwealth funding for public hospitals will, unless reversed, be implemented in early December 2012 in the form of a \$39 million claw back of funding to Victoria from the 2011-12 financial year and a \$67 million reduction in the 2012-13 financial year for Victorian hospitals and large reductions in forthcoming financial years bringing the total Commonwealth funding reductions of the health and hospitals funding

through the healthcare SPP and National Hospital Agreement to \$475 million since the announcement of the Commonwealth's 2012-13 Budget; and

- (4) further notes that six state health ministers expressed concern about the announced reduction in Commonwealth health funding at the recent Standing Council on Health meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis (*Teller*)  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 16

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

### 13 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT)

**AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to provide for the regulation of computer games with an R 18+ classification, to provide for an exemption from certain offences under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

### 14 EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006, the Education and Training Reform Amendment (Skills) Act 2010 and various University Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 15 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to the National Offshore Petroleum Safety and Environmental Management Authority and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 16 POLICE REGULATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 to establish a Police Registration and Services Board, to amend the provisions for appointments, transfers, appeals and reviews and to make miscellaneous amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 17 ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 in relation to the operator onus system and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 18 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Land Tax Act 2005, the Road Safety Act 1986, the Taxation Administration Act 1997, the Trustee Companies Act 1984 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.00 p.m., adjourned until Tuesday, 27 November 2012.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 96, 97 and 98

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Thursday, 15 November 2012

### 1 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Hartland moved —

1. Clause 3, after line 31 insert—

"( ) Nothing in this section limits the operation of a local law made under the **Local Government Act 1989** applying to an area other than the area to which subsection (1) applies."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Clause 3 — put and agreed to.

**Clauses 4 and 5** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 99, 100 and 101

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#### No. 99 — Tuesday, 27 November 2012

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE MURRAY LEWIS BYRNE, CMG** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 7 November 2012, of the Honourable Murray Lewis Byrne, CMG, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Ballarat Province from 1958 to 1976, Minister of Public Works from 1970 to 1972 and Minister for State Development and Decentralisation, Minister for Tourism and Minister of Immigration from 1972 to 1976.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 2.24 p.m. until 3.28 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 20 November 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Free Presbyterian Church Property Amendment Act 2012*

*Justice Legislation Amendment (Miscellaneous) Act 2012*

*Retail Leases Amendment Act 2012*

*Road Management Amendment (Peninsula Link) Act 2012*

*Tobacco Amendment (Smoking at Patrolled Beaches) Act 2012.*

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 5 **PETITIONS** —

**FARMER HEALTH** — Ms Tierney presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**TAFE FUNDING** — Ms Tierney presented a Petition bearing 349 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**CYCLING SAFETY IN FISHERMANS BEND** — Ms Pennicuik presented a Petition bearing 316 signatures from certain citizens of Victoria requesting the Legislative Council take action to increase safe bicycle access along Lorimer Street, Fishermans Bend, including utilising

the disused railway line alongside Lorimer Street as an off-road bike track, the provision of marked on-road bike lanes, traffic lights, stop signs, safe crossings and limiting the height of roadside vegetation to ensure visibility between drivers and cyclists.

Ordered to lie on the Table.

On the motion of Ms Pennicuik, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**'CODE ASSESS' LEGISLATION** — Mr Jennings presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Government withdraw proposed amendments to the *Planning and Environment Act 1987* that will remove community consultation from the development approval process and consult with the community to ensure that any proposal protects and improves, rather than destroys our neighbourhoods.

Ordered to lie on the Table.

## 6 PAPERS —

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 17 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — COMMONWEALTH PAYMENTS TO VICTORIA** — Ms Pulford presented a Report from the Economy and Infrastructure References Committee on Commonwealth Payments to Victoria (including Appendices), together with a Transcript of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Pulford moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 12 November 2012 giving approval to the granting of a licence at Sandringham Beach Park Reserve.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C165.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendments C143 and C146.

Brimbank Planning Scheme — Amendments C53 Part 1, C116 and C141.

Corangamite Planning Scheme — Amendment C30.

Darebin Planning Scheme — Amendment C105.

Gannawarra Planning Scheme — Amendment C26.

Greater Dandenong Planning Scheme — Amendment C133.

Greater Shepparton Planning Scheme — Amendment C163.

Hobsons Bay Planning Scheme — Amendment C91.

Hume Planning Scheme — Amendment C174.

Latrobe Planning Scheme — Amendment C80.

Macedon Ranges Planning Scheme — Amendment C81.

Maribyrnong Planning Scheme — Amendment C93.

Melbourne Planning Scheme — Amendment C172.

Melton Planning Scheme — Amendment C81.

Moonee Valley Planning Scheme — Amendment C123.

Nillumbik Planning Scheme — Amendment C79.

Stonnington Planning Scheme — Amendment C154.

Swan Hill Planning Scheme — Amendment C45.

Towong Planning Scheme — Amendment C24.

Warrnambool Planning Scheme — Amendment C85.

Whittlesea Planning Scheme — Amendment C159.

Wyndham Planning Scheme — Amendments C121, C147 and C166.

Yarra Planning Scheme — Amendment C158.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 126.

Legislative Instruments and related documents under section 16B in respect of —

Amendments to the Greyhounds Australasia Rules made under the Racing Act 1958.

Amendments to the Greyhound Racing Victoria Local Racing Rules made under the Racing Act 1958.

Notice of 25 October 2012 of Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances Alteration – Melbourne City Council under section 26A(3) of the City of Melbourne Act 2011.

Notice of 25 October 2012 of Mayoral and Councillor Allowances Adjustment under section 73B(4) of the Local Government Act 1989.

Notice of 25 October 2012 of Mayoral and Deputy Mayoral Allowances Alteration – Greater Geelong City Council under section 13(3) of the City of Greater Geelong Act 1993.

Water Act 1989 — Loddon Highlands Water Supply Protection Area Groundwater Management Plan, September 2012.

\* \* \* \* \*

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

Associations Incorporation Reform Act 2012 — Remaining provisions — 26 November 2012 (*Gazette No. S384, 20 November 2012*).

Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions — 26 November 2012 (*Gazette No. S384, 20 November 2012*).

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 28 November 2012:

- (1) the notice of motion given this day by Mr Lenders relating to election commitments made by the Government;
- (2) Order of the Day No. 6, the second reading of the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012;
- (3) the notice of motion given this day by Mr Pakula referring a matter to the Law Reform Committee relating to access to justice matters;
- (4) Notice of Motion No. 478 standing in the name of Mr Tee relating to a planning decision made by the Victorian Civil and Administrative Tribunal and referring the matter to the Environment and Planning References Committee;
- (5) Order of the Day No. 1, resumption of debate on the second reading of the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2012;
- (6) the notice of motion given this day by Ms Pennicuik relating to the production of documents in relation to dredging in Port Phillip Bay; and
- (7) the notice of motion given this day by Mr Barber relating to the production of documents in relation to the Reformed Zones for Victoria review.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**10 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012** — 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.

**11 EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Mr Leane moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to require the Secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology”.

Debate ensued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

Mr Hall moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland ( <i>Teller</i> )
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue ( <i>Teller</i> )	Mr Tarlamis
Mr Ondarchie	Mr Tee ( <i>Teller</i> )
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

Debate continued on the question, That the Bill be now read a second time and on the amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to require the Secretary to provide sufficient VET funding for the continuation of existing campuses, in particular the Lilydale and Prahran campuses of the Swinburne University of Technology”.

Question — That the reasoned amendment moved by Mr Leane be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Elsbury

Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch ( <i>Teller</i> )
Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question 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.

Mr Hall 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, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Elsbury  
 Mr Finn  
 Mr Guy

NOES, 18

Mr Barber  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos

Mr Hall	Mr Pakula
Mr Koch	Ms Pennicuik
Mrs Kronberg ( <i>Teller</i> )	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

**12 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 28 NOVEMBER 2012

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 12.12 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 100 — Wednesday, 28 November 2012

1 The President took the Chair and read the Prayer.

2 **ACTING PRESIDENT'S PANEL** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I do hereby nominate —

Mr Craig Ondarchie

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 28 November 2012.

BRUCE ATKINSON  
President of the Legislative Council

3 **PETITIONS** —

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Leane presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

\* \* \* \* \*

**FARMER HEALTH** — Ms Tierney presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**4 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 Reports on —

Local Government: Results of the 2011-12 Audits, November 2012.

Portfolio Departments and Associated Entities: Results of the 2011-12 Audits, November 2012.

Prison Capacity Planning, November 2012.

Student Completion Rates, November 2012.

Crown Land (Reserves) Act 1978 — Minister's Order of 12 November 2012 giving approval to the granting of a licence at Mornington Public Park Reserve.

Parliamentary Committees Act 2003 — Government Response to the Rural and Regional Committee's Report on the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce.

Special Investigations Monitor —

Report 2011-12, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Office of Police Integrity.

Report 2011-12, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report 2011-12, pursuant to section 131T of the Fisheries Act 1995 in relation to Department of Primary Industries.

Report 2011-12, pursuant to section 74P of the Wildlife Act 1975 in relation to the Department of Sustainability and Environment.

Report for the period 1 January to 30 June 2012, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Reform Act 2012 — No. 128.

Crimes Act 1958 — No. 127.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 122.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 GOVERNMENT ELECTION COMMITMENTS** — Mr Lenders moved, That this House notes that the Baillieu-Ryan Coalition promised the people of Victoria in 2010 to "fix the problems" and "build the future" but has failed to successfully plan, build or deliver on its promise during the past two years, in particular —

(1) cost of living pressures on families have increased with higher taxes and charges levied by the Baillieu Government which is now the highest taxing and spending Government in the history of the State;

(2) health services have been cut and promises that were made have not been delivered on;

(3) education services and school construction have been cut and promises that were made have not been delivered on; and

(4) after two years in office, the Baillieu Government has no Jobs Plan;

and that this House calls on the Baillieu-Ryan Government to plan for the future, build both infrastructure and human capital and deliver on its election commitments.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders—*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**8 GOVERNMENT ELECTION COMMITMENTS** — Debate continued on the question, That this House notes that the Baillieu-Ryan Coalition promised the people of Victoria in 2010 to "fix

the problems" and "build the future" but has failed to successfully plan, build or deliver on its promise during the past two years, in particular —

- (1) cost of living pressures on families have increased with higher taxes and charges levied by the Baillieu Government which is now the highest taxing and spending Government in the history of the State;
  - (2) health services have been cut and promises that were made have not been delivered on;
  - (3) education services and school construction have been cut and promises that were made have not been delivered on; and
  - (4) after two years in office, the Baillieu Government has no Jobs Plan;
- and that this House calls on the Baillieu-Ryan Government to plan for the future, build both infrastructure and human capital and deliver on its election commitments.

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

**9 TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2012** — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Ms Lovell (for Ms Crozier), the debate was adjourned for two weeks.

**10 LAW REFORM COMMITTEE REFERENCE** — Mr Pakula moved, That, under section 33 of the *Parliamentary Committees Act 2003*, the Law Reform Committee is required to inquire into, consider and report no later than 30 August 2013 into access to justice matters, and in particular —

- (1) the level of legal aid funding;
- (2) the adequacy of such funding in a changing legal environment;
- (3) the role of, and resources available to, community legal centres in the current environment;
- (4) court resourcing issues and the relationship of those issues to access to justice;
- (5) what role the private profession can and does play in improving access to justice;
- (6) whether improvements in Victoria Police resourcing could have a positive impact on court times and hence access to justice; and
- (7) any other matter the Committee deems appropriate.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich

Mr Viney

Mrs Peulich (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Question negatived.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business No. 478, be postponed until later this day.

**12 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2012** — 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, 3

NOES, 37

Mr Barber

Mr Atkinson

Ms Hartland (*Teller*)

Ms Broad

Ms Pennicuik (*Teller*)

Mrs Coote (*Teller*)

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Mr Viney

Question negatived.

**13 PRODUCTION OF DOCUMENTS — CHANNEL DEEPENING BATHYMETRIC DATA** — Ms Pennicuik moved, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 11 December 2012, examples of bathymetric data, showing both cross sectional and concomitant 3D representations, for the Plateau and

the Entrance or Rip Bank area used to depict seabed topography from four distinct periods, namely —

- (1) measurements that were used for the 2004 Environment Effects Statement - before any dredging occurred (pre August 2005);
- (2) post the 'trial dredging' period (September 2005);
- (3) post the completion of the Channel Deepening Project (after 25 November 2009); and
- (4) within the past six months;

and any data pertaining to ongoing erosion, if any, as predicted in the Scour Assessment Report, July 2007, Sinclair Knight Merz, which was tabled on the last day of the 2007 Supplementary Environment Effects Statement Inquiry into Channel Deepening of Port Phillip Bay.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 15 ADJOURNMENT** — The Deputy President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.20 p.m. adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 101 — Thursday, 29 November 2012

- 1 The President took the Chair and read the Prayer.

- 2 **PETITION — TAFE FUNDING** — Mr Leane presented a Petition bearing 494 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

- 3 **PAPERS** —

**SUPREME COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Supreme Court Judges for the year 2011-12.

Ordered to lie on the Table.

\* \* \* \* \*

**MAGISTRATES' COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2011-12.

Ordered to lie on the Table.

\* \* \* \* \*

**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)(a)(iii) in relation to Statutory Rule No. 115.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2012-13 Budget Estimates – Part One.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 127.

- 4 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 11 December 2012.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business Nos. 22, 205, 387 to 389, 391, 393 to 395, 397, 398, 417, 419, 421, 423, 425, 427, 429 to 431, 437 to 439, 448, 465, 468, 470 to 476, 479, 481, 482 and 485 be postponed until later this day.
- 7 SUSPENSION OF STANDING ORDERS** — Mr D.M. Davis moved, That Standing Orders 4.01 and 5.02 be suspended to the extent necessary to enable the sitting of the Council on Tuesday, 11 December 2012 to commence at 12 noon and that the order of business on that day will be —
- (1) Messages;
  - (2) Formal Business;
  - (3) Members' Statements (up to 15 Members);
  - (4) Government Business;
  - (5) At 2.00 p.m Questions;
  - (6) Answers to Questions on Notice;
  - (7) Government Business (continues); and
  - (8) Adjournment (up to 20 Members).

Debate ensued.

Question — put and agreed to.

- 8 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — 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.

- 9 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — 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 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.

- 10 ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 12 ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — Debate continued 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.

- 13 POLICE REGULATION AMENDMENT BILL 2012** — 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.

- 14 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011 to provide for matters of a transitional and savings nature and other amendments, to amend the Telecommunications (Interception) (State Provisions) Act 1988, the Ombudsman Act 1973 and the Audit Act 1994, to repeal the Major Crime (Special Investigations Monitor) Act 2004, to make consequential and other amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Pakula moved, That the debate be adjourned for one week.

Ms Pennicuik moved, as an amendment, That “for 1 week” be omitted with the view of inserting in its place “until Tuesday, 5 February 2013”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 35
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
Ms Pennicuik	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Ms Mikakos
	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mr Pakula
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Ramsay ( <i>Teller</i> )

Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negatived.

Question — That the debate be adjourned for one week — put and agreed to.

- 15 PROTECTED DISCLOSURE BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to encourage and facilitate disclosures of improper conduct by public officers, public bodies and other persons or of detrimental action taken in reprisal for a disclosure, to provide protection for persons who make those disclosures and to provide for the confidentiality of the content of those disclosures and the identity of persons who make those disclosures, to make related amendments to other Acts, to repeal the Whistleblowers Protection Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Pakula moved, That the debate be adjourned for one week.

Ms Pennicuik moved, as an amendment, That “for 1 week” be omitted with the view of inserting in its place “until Tuesday, 5 February 2013”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 35
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
Ms Pennicuik	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury
	Mr Finn
	Mr Guy
	Mr Hall
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Ms Mikakos
	Mr O'Brien ( <i>Teller</i> )
	Mr O'Donohue
	Mr Ondarchie
	Mr Pakula

Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

Amendment negatived.

Question — That the debate be adjourned for one week — put and agreed to.

- 16 CRIMINAL ORGANISATIONS CONTROL BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the making of declarations and control orders for the purpose of preventing and disrupting the activities of organisations involved in serious criminal activity, and of their members, former members, prospective members and associates, to provide for the recognition and application of declarations and control orders made under corresponding laws and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 17 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Family Violence Protection Act 2008, the Crimes Act 1958, the Crimes (Assumed Identities) Act 2004, the Coroners Act 2008, the Human Tissue Act 1982 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 18 FIRE SERVICES LEVY MONITOR BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the establishment, functions and powers of the Fire Services Levy Monitor, to consequentially amend certain Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 19 PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987, the Subdivision Act 1988 and the Local Government Act 1989 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.
- 20 COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Commission for Children and Young People and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Ms Lovell), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Ms Mikakos, the debate was adjourned for one week.
- 21 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the enforcement provisions of the Mineral Resources (Sustainable Development) Act 1990 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.
- 22 COGNATE DEBATE** — Mr Rich-Phillips moved, by leave, That the second reading debate on the Integrity and Accountability Legislation Amendment Bill 2012 be taken concurrently with the second reading debate on the Protected Disclosure Bill 2012.
- Question — put and agreed to.
- 23 PRODUCTION OF DOCUMENTS — AIR EMISSION STUDY AND HUMAN HEALTH RISK ASSESSMENT ALCOA ANGLESEA** — The Clerk laid on the Table a letter from the Minister for Environment and Climate Change together with the Air Emission Study and Human Health Risk Assessment, Alcoa Anglesea Power Station, September 2008, in accordance with the Resolution of the Council of 29 August 2012.
- On the motion of Mr Barber, the letter and document were ordered to be taken into consideration on the next day of meeting.
- 24 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.
- And then the Council, at 5.31 p.m. adjourned until Tuesday, 11 December 2012.



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 99, 100 and 101

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**Tuesday, 27 November 2012**

**1 EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012**

**Clauses 1 to 110** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 29 November 2012**

**1 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012**

**Clauses 1 to 18** — put and agreed to.

**Clause 19** — Question — That Clause 19 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Atkinson  
Mr Barber  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis (*Teller*)  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Ms Hartland  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Ms Pennicuik  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 16

Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**Clauses 20 to 29** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 102, 103 and 104

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#### No. 102 — Tuesday, 11 December 2012

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —  
On 4 December 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:  
*Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2012*  
*Education Legislation Amendment (Governance) Act 2012*  
*Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Act 2012*  
*Road Safety Amendment (Operator Onus) Act 2012*  
*State Taxation and Other Acts Amendment Act 2012.*  
On 11 December 2012, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:  
*Police Regulation Amendment Act 2012.*
- 3 **PETITIONS** —  
**TAFE FUNDING** — Mr Leane and Mr Scheffer each presented Petitions bearing 721 and 24 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.  
Ordered to lie on the Table.  

\* \* \* \* \*

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Scheffer presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.  
Ordered to lie on the Table.
- 4 **PAPERS** —  
**MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Ms Lovell (for Mr Guy) moved, by leave, That there be laid before this House a copy of the Ministerial Intervention in Planning Matters Statement to Parliament, 2011.  
Question — put and agreed to.  
The Report was presented by Ms Lovell and ordered to lie on the Table.

**ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 18 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Australian Children's Education and Care Quality Authority, 2011-12.

Border Groundwaters Agreement Review Committee — Report, 2011-12.

Gambling Regulation Act 2003 — Fixed Term Ban Order of 3 December 2012 under section 2.5A.9 of the Act.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2011-12.

Major Sporting Events Act 2009 — Major sporting event order of 4 December 2012 in relation to Twenty20 domestic cricket matches held at Docklands Stadium in the years 2012 to 2017.

Melbourne City Link Act 1995 — Deed of Lease of Customer Service Site, pursuant to section 60(9) of the Act.

Office of Police Integrity — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2011-12.

Ombudsman — A section 25(2) report to Parliament on the proposed integrity system and its impact on the functions of the Ombudsman, December 2012.

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on the Education of Gifted and Talented Students.

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

Ballarat Planning Scheme — Amendments C135 and C149.

Boroondara Planning Scheme — Amendments C99, C148 and C168.

Glenelg Planning Scheme — Amendment C67.

Greater Geelong Planning Scheme — Amendment C273.

Greater Shepparton Planning Scheme — Amendment C151.

Indigo Planning Scheme — Amendment C63.

Knox Planning Scheme — Amendment C98.

Melton Planning Scheme — Amendment C125.

Moreland Planning Scheme — Amendment C141.

Wyndham Planning Scheme — Amendment C163.

Yarra Planning Scheme — Amendment C162.

Yarra Ranges Planning Scheme — Amendment C103 Part 1.

Statutory Rules under the following Acts of Parliament:

Dangerous Goods Act 1985 — No. 132.

Drugs, Poisons and Controlled Substances Act 1981 — No. 136.

Freedom of Information Act 1982 — No. 131.

Gambling Regulation Act 2003 — No. 134.

Livestock Disease Control Act 1994 — Nos. 129 and 130.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 138.

Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 133.

Residential Tenancies Act 1997 — No. 137.

Supreme Court Act 1986 — Nos. 140, 141 and 142.

Tobacco Act 1987 — No. 135.

Transport (Compliance and Miscellaneous) Act 1983 — No. 139.

Working with Children Act 2005 — No. 143.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 129, 130, 132 to 134 and 137 to 143.

Legislative Instruments and related documents under section 16B in respect of —

An Order of Exemption of 20 November 2012 for Retail and Catering and an Order of 21 November 2012 Exempting Persons from Primary Production and

Processing Requirements of the Food Standards Code made under the Food Act 1984.

An Order of Exemption of 27 November 2012 made under the Livestock Disease Control Act 1994.

A Revocation of 29 November 2012 of tow away areas made under the Local Government Act 1989.

Victorian Catchment Management Council —  
Report, 2011-12.

Catchment Condition and Management Report 2012.

Victoria Police — Chief Commissioner — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2011-12.

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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:

Primary Industries and Food Legislation Amendment Act 2012 — Remaining provisions — 1 December 2012 (*Gazette No. S399, 27 November 2012*).

Resources Legislation Amendment (General) Act 2012 — Remaining provisions — 1 December 2012 (*Gazette No. S399, 27 November 2012*).

Road Management Amendment (Peninsula Link) Act 2012 — 5 December 2012 (*Gazette No. S419, 4 December 2012*).

Serious Sex Offenders (Detention and Supervision) Amendment Act 2012 — 1 December 2012 (*Gazette No. S399, 27 November 2012*).

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — LOCALLY BASED APPROACHES TO COMMUNITY SAFETY AND CRIME PREVENTION** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Drugs and Crime Prevention Committee's Report on Locally Based Approaches to Community Safety and Crime Prevention.

**5 PRODUCTION OF DOCUMENTS — VICTRACK'S LEASE OF PREMISES, CASTLEMAINE**

— The Clerk laid on the Table a letter from the Minister for Public Transport, dated 9 December 2012, together with the following documents received in accordance with the Resolution of the Council of 12 September 2012 seeking the production of documents relating to VicTrack and the Maryborough Highland Society premises in Kennedy Street, Castlemaine:

- (1) Lease between VicTrack and Maryborough Highland Society, dated 25 May 2011;
- (2) Deed of Variation of Lease between VicTrack and Maryborough Highland Society, dated 10 May 2012;
- (3) Email chain between VicTrack employees, dated 19 October 2012 and 18 October 2012;
- (4) Property Inspection Record – Completed by Don Hester (VicTrack);
- (5) Letter from Merrilyn McGregor (VicTrack) to Don Hester (Maryborough Highland Society), dated 7 October 2010;
- (6) Email from Merrilyn McGregor (VicTrack) to Simon Young (Logie-Smith Lanyon Lawyers), dated 3 September 2010 (refers to attached Heads of Agreement however attachment is not included);
- (7) Email from Simon Young (Logie-Smith Lanyon Lawyers) to Merrilyn McGregor (VicTrack), dated 3 September 2010;
- (8) Letter from Merrilyn McGregor (VicTrack) to Narelle Waller (Waller Realty), dated 15 July 2010 (refers to attachments, but no attachments are included);
- (9) Email chain between Narelle Waller (Waller Realty) to Merrilyn McGregor (VicTrack), dated 8 July 2010;
- (10) Email from Merrilyn McGregor (VicTrack) to Nadine Vielhuber (Maddocks), dated 12 April 2011;

- (11) Email chain between Nadine Vielhuber (Maddocks) and Merrilyn McGregor (VicTrack), dated 23 December 2010 to 2 March 2011;
- (12) Email from Mac Henshall (VicTrack) to Merrilyn McGregor (VicTrack), dated 14 February 2011;
- (13) Email from Simone Wallis (VicTrack) to Merrilyn McGregor (VicTrack) attaching correspondence from Martin Paten (Castlemaine State Festival Committee), dated 3 February 2011;
- (14) Email from Nadine Vielhuber (Maddocks) to M Kearney (Logie-Smith Lanyon Lawyers), dated 15 December 2010 (refers to an attachment which is not attached);
- (15) Email from Lou Cicchelli (VicTrack) to Nadine Vielhuber (Maddocks), dated 15 December 2010 (refers to an attachment which is not attached);
- (16) Email from Merrilyn McGregor (VicTrack) to Krista Horbatiuk (Castlemaine Festival), dated 19 November 2010, attaching letter from Castlemaine Festival;
- (17) Email from Merrilyn McGregor (VicTrack) to Aimee Dash (Urbis), dated 8 March 2011, attaching letter of consent to Urbis;
- (18) Email from Castlemaine Sports and Community Club Support Group to Merrilyn McGregor (VicTrack), dated 1 August 2012, attaching Victorian Civil and Administrative Tribunal decision;
- (19) Email from Malcolm Blandthorn (Maryborough Highland Society) to Merrilyn McGregor (VicTrack), dated 1 August 2012;
- (20) Email chain between Merrilyn McGregor (VicTrack) and Malcolm Blandthorn (Maryborough Highland Society), dated 1 to 17 August 2012;
- (21) Email chain between Merrilyn McGregor (VicTrack), Rebecca Alberse (Maddocks) and Tamara Warner (Maddocks), dated 24 April to 7 May 2012;
- (22) Email from Merrilyn McGregor (VicTrack) to Tamara Warner (Maddocks), dated 24 April 2012, attaching Draft Deed of Variation of Lease and email from Rebecca Alberse (Maddocks) to Merrilyn McGregor;
- (23) Email from John Rantino (Maddocks) to Merrilyn McGregor (VicTrack), dated 9 January 2012, attaching letter from Kearneys Lawyers regarding conflict of interest;
- (24) Email from Merrilyn McGregor (VicTrack) to Narelle Waller (Waller Realty), dated 9 December 2011;
- (25) Email from Malcolm Blandthorn (Maryborough Highland Society) to Merrilyn McGregor (VicTrack), dated encl: Maryborough Highland Society Gaming Application advert;
- (26) Email from Michael Leong (VicTrack) to Malcolm Blandthorn (Maryborough Highland Society), dated 27 September 2011, attaching a map of lot 64;
- (27) Email chain between Carleen Chisholm-Harawira (VicTrack) and John Weinbar (VicTrack), dated 26 September 2011;
- (28) Letter from Janet Cropley (Castlemaine Mayor) to Edward O'Donohue MLC (Parliamentary Secretary for Transport);
- (29) Email from Malcolm Blandthorn (Maryborough Highland Society) to Merrilyn McGregor (VicTrack), dated 19 September 2011, and email from Annie Cummings (Kearneys Legal) to Malcolm Blandthorn;
- (30) Email chain between Malcolm Blandthorn (Maryborough Highland Society), Merrilyn McGregor (VicTrack) and Laura Thomas (Urbis), dated 8 September 2011;
- (31) Email chain between Malcolm Blandthorn (Maryborough Highland Society) and Merrilyn McGregor (VicTrack), dated 31 August to 2 September 2011, attaching VicTrack's Approval of Gambling Application;
- (32) Email from Simone Wallis (VicTrack) to Merrilyn McGregor (VicTrack), dated 22 August 2011, and email chain between Malcolm Blandthorn (Maryborough Highland Society) and Simone Wallis;
- (33) Email from Robyn Evans (VicTrack) to Merrilyn McGregor (VicTrack), dated 27 June 2011;

- (34) Email between Simone Wallis (VicTrack) and Merrilyn McGregor (VicTrack), dated 24 June 2011, and email chain between Malcolm Blandthorn (Maryborough Highland Society) and Merrilyn McGregor, dated 23 and 24 June 2011;
- (35) Letter from Merrilyn McGregor (VicTrack) to Don Hester (Maryborough Highland Society), dated 24 May 2011; and
- (36) Letter from Merrilyn McGregor (VicTrack) to Nadine Vielhuber (Maddocks), dated 24 May 2011.

On the motion of Ms Hartland, the letter and documents were ordered to be taken into consideration on the next day of meeting.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 12 December 2012:

- (1) Order of the Day No. 25, resumption of debate on motion relating to election commitments made by the Government;
- (2) Order of the Day No. 26, resumption of debate on motion relating to the production of documents in relation to channel deepening bathymetric data in Port Phillip Bay;
- (3) Notice of Motion No. 486 standing in the name of Mr Pakula relating to the university qualification of the Member for Caulfield;
- (4) Notice of Motion No. 487 standing in the name of Mr Barber relating to the production of documents in relation to the Reformed Zones for Victoria review; and
- (5) Order of the Day No. 1, the second reading of the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 FIRE SERVICES LEVY MONITOR BILL 2012** — 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 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.

**10 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to an Order of the Council on 29 November 2012* —

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**PERSONAL ALERT DEVICES** — Mr D.M. Davis having given answers to a question and supplementary question without notice relating to Personal Alert Devices —

On the motion of Mr Viney, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**12 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012** — Debate continued 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.

**13 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012 AND PROTECTED DISCLOSURE BILL 2012** — The concurrent debate resumed on each of the questions, That the Bill be now read a second time.

Amendments proposed to be moved in Committee on the Integrity and Accountability Legislation Amendment Bill 2012 by Mr Pakula were circulated.

Debate continued.

Question — That the **Integrity and Accountability Legislation Amendment Bill 2012** be now read a second time — put and agreed to.

Ms Pennicuik moved, That the Integrity and Accountability Legislation Amendment Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 16 April 2013.

Debate ensued.

Ms Pakula moved, as an amendment, That “16 April” be omitted with the view of inserting in its place “5 February”.

Debate ensued.

Question — That the amendment moved by Mr Pakula be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15	NOES, 23
Ms Broad	Mr Atkinson
Ms Darveniza	Mr Barber
Mr Eideh	Mrs Coote
Mr Elasmarr	Ms Crozier
Mr Leane	Mr Dalla-Riva
Mr Lenders	Mr D.M. Davis
Ms Mikakos	Mr P.R. Davis
Mr Pakula	Mr Drum
Ms Pulford ( <i>Teller</i> )	Mr Elsbury ( <i>Teller</i> )
Mr Scheffer	Mr Finn
Mr Somyurek	Mr Hall
Mr Tarlamis	Ms Hartland
Mr Tee ( <i>Teller</i> )	Mr Koch
Ms Tierney	Mrs Kronberg
Mr Viney	Ms Lovell
	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Ms Pennicuik
	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Amendment negatived.

Question — That the Integrity and Accountability Legislation Amendment Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 16 April 2013 — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 35
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
Ms Pennicuik	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva

Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Rich-Phillips 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  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg (*Teller*)

NOES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

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

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr D.M. Davis moved that the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr ( <i>Teller</i> )
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland ( <i>Teller</i> )
Mr Elsbury	Mr Leane
Mr Finn ( <i>Teller</i> )	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Mr Pakula
Mrs Kronberg	Ms Pennicuik
Ms Lovell	Ms Pulford
Mr O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Petrovich	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay	Mr Viney
Mr Rich-Phillips	

Question agreed to.

**14 PROTECTED DISCLOSURE BILL 2012** — Question — That the **Protected Disclosure Bill 2012** be now read a second time — put and agreed to.

Ms Pennicuik moved, That the Protected Disclosure Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 16 April 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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, 35

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Mr Drum (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

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

- 15 CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Climate Change Act 2010 and the Environment Protection Act 1970 to implement changes arising from a review of the Climate Change Act 2010, to make other amendments to the Environment Protection Act 1970, to amend the Transfer of Land Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned until the next day of meeting.

- 16 TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 to limit further the operation of shopper loyalty schemes in relation to the sale of tobacco products and for other purposes* and requesting the agreement of the Council.

On the motion of Mr D.M. Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr D.M. Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.

Mr D.M. Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned until the next day of meeting.

**17 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 12 DECEMBER 2012

And then the Council, at 12.01 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 103 — Wednesday, 12 December 2012**

1 The President took the Chair and read the Prayer.

**2 PETITIONS** —

**SECONDARY SCHOOL IN MERNDA** — Mr Ondarchie presented a Petition bearing 1,049 signatures from certain citizens of Victoria requesting that the Government make allowances in the 2013-14 Budget to begin construction of a secondary school at the earliest possible date at Breadalbane Avenue, Mernda.

Ordered to lie on the Table.

\* \* \* \* \*

**PRIMARY SCHOOL IN MERNDA** — Mr Ondarchie presented a Petition bearing 726 signatures from certain citizens of Victoria requesting that the Government make allowances in the 2013-14 Budget to begin construction of a primary school at the earliest possible date at the existing Mernda South site.

Ordered to lie on the Table.

On the motion of Ms Mikakos, Mr Ondarchie's petitions were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**SOCIAL HOUSING SYSTEM** — Ms Hartland presented a Petition bearing 1,137 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Minister for Housing to not raise rents or privatise public housing and to maintain public housing tenants' security of tenure.

Ordered to lie on the Table.

On the motion of Ms Hartland, the petition was ordered to be taken into consideration on the next day of meeting.

**3 PAPERS** —

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — LIVEABILITY OPTIONS IN OUTER SUBURBAN MELBOURNE** — Mrs Kronberg presented a Report from the Outer Suburban/Interface Services and Development Committee on Liveability Options in Outer Suburban Melbourne, (including Appendices, Extracts of Proceedings of the Committee and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Kronberg moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INFRASTRUCTURE PROJECTS EFFECTIVE DECISION MAKING** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee report on Effective Decision Making for the Successful Delivery of Significant Infrastructure Projects (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ROAD SAFETY COMMITTEE — MOTORCYCLE SAFETY** — Mr Elsbury presented a Report from the Road Safety Committee on Motorcycle Safety (including Appendices and Extracts of Proceedings of the Committee), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Elsbury moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Learning Technologies in Government Schools, December 2012.

Management of the Provincial Victoria Growth Fund, December 2012.

Ombudsman — Report on the investigation into the governance and administration of the Victorian Building Commission, December 2012.

Transport (Compliance and Miscellaneous) Act 1983 — Final Report pursuant to section 191ZD(1) of the Taxi Industry Inquiry — Customers First: Service, Safety, Choice, September 2012.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 GOVERNMENT ELECTION COMMITMENTS** — Debate resumed on the question, That this House notes that the Baillieu-Ryan Coalition promised the people of Victoria in 2010 to "fix the problems" and "build the future" but has failed to successfully plan, build or deliver on its promise during the past two years, in particular —

(1) cost of living pressures on families have increased with higher taxes and charges levied by the Baillieu Government which is now the highest taxing and spending Government in the history of the State;

(2) health services have been cut and promises that were made have not been delivered on;

(3) education services and school construction have been cut and promises that were made have not been delivered on; and

(4) after two years in office, the Baillieu Government has no Jobs Plan;

and that this House calls on the Baillieu-Ryan Government to plan for the future, build both infrastructure and human capital and deliver on its election commitments.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 GOVERNMENT ELECTION COMMITMENTS** — Debate continued on the question, That this House notes that the Baillieu-Ryan Coalition promised the people of Victoria in 2010 to "fix the problems" and "build the future" but has failed to successfully plan, build or deliver on its promise during the past two years, in particular —

- (1) cost of living pressures on families have increased with higher taxes and charges levied by the Baillieu Government which is now the highest taxing and spending Government in the history of the State;
  - (2) health services have been cut and promises that were made have not been delivered on;
  - (3) education services and school construction have been cut and promises that were made have not been delivered on; and
  - (4) after two years in office, the Baillieu Government has no Jobs Plan;
- and that this House calls on the Baillieu-Ryan Government to plan for the future, build both infrastructure and human capital and deliver on its election commitments.

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

## **8 PRODUCTION OF DOCUMENTS — BATHYMETRIC DATA AND CHANNEL DEEPENING PROJECT**

— Debate resumed on the question, That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 11 December 2012, examples of bathymetric data, showing both cross sectional and concomitant 3D representations, for the Plateau and the Entrance or Rip Bank area used to depict seabed topography from four distinct periods, namely —

- (1) measurements that were used for the 2004 Environment Effects Statement - before any dredging occurred (pre August 2005);
- (2) post the 'trial dredging' period (September 2005);
- (3) post the completion of the Channel Deepening Project (after 25 November 2009); and
- (4) within the past six months;

and any data pertaining to ongoing erosion, if any, as predicted in the Scour Assessment Report, July 2007, Sinclair Knight Merz, which was tabled on the last day of the 2007 Supplementary Environment Effects Statement Inquiry into Channel Deepening of Port Phillip Bay.

Mr Barber moved, as an amendment, That "11 December 2012" be omitted with the view of inserting in its place "5 February 2013".

Debate ensued.

Question — That the amendment be agreed to — put and agreed to.

Question — That this House requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 5 February 2013, examples of bathymetric data, showing both cross sectional and concomitant 3D representations, for the Plateau and the Entrance or Rip Bank area used to depict seabed topography from four distinct periods, namely —

- (1) measurements that were used for the 2004 Environment Effects Statement - before any dredging occurred (pre August 2005);
- (2) post the 'trial dredging' period (September 2005);
- (3) post the completion of the Channel Deepening Project (after 25 November 2009); and
- (4) within the past six months;

and any data pertaining to ongoing erosion, if any, as predicted in the Scour Assessment Report, July 2007, Sinclair Knight Merz, which was tabled on the last day of the 2007 Supplementary Environment Effects Statement Inquiry into Channel Deepening of Port Phillip Bay — put and agreed to.

## **9 MEMBER FOR CAULFIELD'S EDUCATIONAL QUALIFICATIONS** — Mr Pakula moved, That this House notes that —

- (1) the claim of the Member for Caulfield, Mr David Southwick, MP, in a media statement released on Friday 16 November 2012 was that he was only informed on that day that he did not complete all the points required for his Post Graduate Diploma in Marketing from Monash University;
- (2) on Mr Southwick's personal website, [www.davidsouthwick.org](http://www.davidsouthwick.org), the entry of 16 October 2010 contains the claim that he graduated from Monash University with a Graduate Diploma in Marketing;

- (3) on 19 October 2010, the same website had been altered, removing the claim to graduation and replacing it with a statement about having studied business and marketing at Monash Caulfield;
- (4) the Member for Caulfield's embellished claims continued to appear on the Liberal Party website and in the Parliamentary Handbook;
- (5) the alteration to the Member for Caulfield's personal website between 16 October 2010 and 19 October 2010 suggests that the Member has known for at least 2 years, and not for less than 2 weeks, that his claim to have graduated in marketing from Monash University is false;

and calls on the Member for Caulfield to immediately stand down as Chair of the Education and Training Committee of the Parliament.

Debate ensued.

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

- 10 PRODUCTION OF DOCUMENTS — REFORMED ZONES FOR VICTORIA PLANNING ZONES REVIEW** — Mr Barber moved, That this House requires the Minister for Planning to table in the Legislative Council by 12 noon on Tuesday, 5 February 2013, a copy of all public submissions received by the Department of Planning and Community Development in relation to the *Reformed Zones for Victoria* planning zones review.

Debate ensued.

Question — put and agreed to.

- 11 GOVERNMENT ELECTION COMMITMENTS** — Debate resumed on the question, That this House notes that the Baillieu-Ryan Coalition promised the people of Victoria in 2010 to "fix the problems" and "build the future" but has failed to successfully plan, build or deliver on its promise during the past two years, in particular —

- (1) cost of living pressures on families have increased with higher taxes and charges levied by the Baillieu Government which is now the highest taxing and spending Government in the history of the State;
- (2) health services have been cut and promises that were made have not been delivered on;
- (3) education services and school construction have been cut and promises that were made have not been delivered on; and
- (4) after two years in office, the Baillieu Government has no Jobs Plan;

and that this House calls on the Baillieu-Ryan Government to plan for the future, build both infrastructure and human capital and deliver on its election commitments.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Tierney —*

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.46 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 104 — Thursday, 13 December 2012

- 1 The President took the Chair and read the Prayer.

- 2 **THE LATE HONOURABLE RICHARD STRACHAN DE FEGELY** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 27 November 2012, of the Honourable Richard Strachan de Fegely and places on record its acknowledgement of the

valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Ballarat Province from 1985 to 1999.

And the President and other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 THE LATE DAME ELISABETH JOY MURDOCH, AC, DBE** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 5 December 2012, of Dame Elisabeth Joy Murdoch, AC, DBE, and places on record its acknowledgement of the valuable services rendered by her to the people of Victoria through her sustained involvement in many organisations and community and charitable endeavours.

And the President and other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

**4 PAPERS —**

**COUNTY COURT OF VICTORIA** — Mr Dalla-Riva presented, by command of the Governor, the Report of the County Court of Victoria for the year 2011-12.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**BULOKE SHIRE COUNCIL** — Mr Dalla-Riva (for Mr Guy) moved, by leave, That there be laid before this House a copy of the Independent Assessment: Current and Future Financial Health of the Buloke Shire Council.

Question — put and agreed to.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**ROAD SAFETY IN VICTORIA** — Mr Dalla-Riva moved, by leave, That there be laid before this House a copy of the Road Safety in Victoria – Report on Progress 2012.

Question — put and agreed to.

The Report was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

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

Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan 2012 pursuant to Section 33E of the Act.

Freedom of Information Act 1982 — Report of the Minister responsible for the establishment of an anti-corruption commission on the operation of the Act, 2011-12.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 128 and 131.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 205, 417, 419, 421, 423, 425, 427, 429 to 431, 437 to 439, 448, 465, 468, 470 to 476, 479, 481 and 482, be postponed until later this day.

- 7 CARDINIA PLANNING SCHEME AMENDMENT C165** — Mr O'Brien (for Mr Guy) moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C165 be ratified.

Debate ensued.

Question — put and agreed to.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 495, be postponed until later this day.

- 9 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**11 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Bill further considered in Committee.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**12 COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Mikakos 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.

**13 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012** — Bill further considered 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.

**14 TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012** — 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.

**15 CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Mr Jennings moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Minister has tabled a Climate Change Adaptation Plan in accordance with section 16 of the existing *Climate Change Act 2010*.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Jennings be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)

Mr Lenders	Mr Finn
Ms Mikakos	Mr Hall
Mr Pakula	Mr Koch
Ms Pennicuik	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mr O'Brien
Mr Somyurek ( <i>Teller</i> )	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee ( <i>Teller</i> )	Mrs Petrovich
Ms Tierney	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — put and agreed to.

Mr Rich-Phillips moved, by leave, 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, 19

NOES, 17

Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford ( <i>Teller</i> )
Ms Lovell	Mr Scheffer ( <i>Teller</i> )
Mr O'Donohue ( <i>Teller</i> )	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Petrovich ( <i>Teller</i> )	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

- 16 LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to make various amendments to the Liquor Control Reform Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**17 RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Retirement Villages Act 1986 in relation to the information to be provided or made available to prospective residents of retirement villages and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**18 TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Traditional Owner Settlement Act 2010 and the Planning and Environment Act 1987, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

**19 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until Tuesday, 5 February 2013.

Question — put and agreed to.

**20 CRIMINAL ORGANISATIONS CONTROL BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pennicuik moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the outcome of the High Court of Australia challenge to Queensland’s Criminal Organisation Act 2009 is known”.

Debate ensued.

Question — That the reasoned amendment moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Jennings

Mr Koch  
 Mrs Kronberg  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

Question agreed to.

Ms Pennicuik moved, That the Criminal Organisations Control Bill 2012 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 16 April 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue (*Teller*)  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question 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.

**21 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 9.32 p.m., adjourned until Tuesday, 5 February 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 102, 103 and 104

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Tuesday, 11 December 2012

### 1 FIRE SERVICES LEVY MONITOR BILL 2012

Clauses 1 to 117 — put and agreed to.

Bill reported without amendment.

### 2 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012

Clauses 1 and 2 — put and agreed to.

Clause 3 — Mr Pakula moved —

1. Clause 3, after line 21 insert—  
'(b) after paragraph (b)(iii) of the definition of *relevant offence* insert—  
"(iv) misconduct in public office;"'.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 9

NOES, 10

Ms Broad

Mrs Coote

Ms Darveniza

Ms Crozier

Mr Eideh (*Teller*)

Mr Drum (*Teller*)

Mr Leane

Mr Elsbury

Ms Mikakos

Mr Koch

Mr Pakula

Ms Lovell

Ms Pennicuik (*Teller*)

Mr O'Brien

Ms Tierney

Mr Ondarchie

Mr Viney

Mrs Petrovich (*Teller*)

Mrs Peulich

Amendment negated.

Clause 3 — put and agreed to.

Clauses 4 to 322 — put and agreed to.

Bill reported without amendment.

### 3 PROTECTED DISCLOSURE BILL 2012

Clauses 1 to 174 — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported without amendment.

## Thursday, 13 December 2012

### 1 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Standing Orders —*

Committee resumed.

**Progress reported.**

### 2 COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2012

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Mikakos moved —

1. Clause 3, line 20, omit "an additional Commissioner" and insert "the Commissioner for Aboriginal children and young people, or an additional Commissioner,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Hall ( <i>Teller</i> )
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis ( <i>Teller</i> )	Mr O'Donohue ( <i>Teller</i> )
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 38** — put and agreed to.

**Clause 39** — Ms Mikakos moved —

6. Clause 39, line 23, omit "services; and" and insert "services.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Elasmar (*Teller*)  
 Ms Hartland  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Mr Pakula (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips (*Teller*)

Amendment negatived.

Clause 39 — put and agreed to.

**Clauses 40 to 84** — put and agreed to.

**Bill reported without amendment.**

### 3 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012

*Progress having been reported earlier this day —*

**Clause 1** — Debate resumed.

Clause 1 — put and agreed to.

**Clauses 2 to 9** — put and agreed to.

**Bill reported without amendment.**

### 4 CRIMINAL ORGANISATIONS CONTROL BILL 2012

**Clauses 1 to 141** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 105, 106 and 107

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#### No. 105 — Tuesday, 5 February 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 18 December 2012, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Climate Change and Environment Protection Amendment Act 2012*

*Commission for Children and Young People Act 2012*

*Criminal Organisations Control Act 2012*

*Fire Services Levy Monitor Act 2012*

*Integrity and Accountability Legislation Amendment Act 2012*

*Justice Legislation Amendment (Family Violence and Other Matters) Act 2012*

*Mineral Resources (Sustainable Development) Amendment Act 2012*

*Protected Disclosure Act 2012*

*Tobacco Amendment (Shopper Loyalty Schemes) Act 2012.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**CONSTRUCTION BUILDING COSTS IN VICTORIA** — Mr Dalla-Riva having given an answer to a question without notice and a supplementary question relating to construction building costs in Victoria —

On the motion of Ms Pulford, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 4 **PETITIONS** —

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 518 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

On the motion of Mr Leane, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**TAFE FUNDING** — Mr Leane presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.

Ordered to lie on the Table.

**5 PAPERS —****SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 1 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**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 7 December 2012 giving approval to the granting of a lease at Richmond Park Reserve.

Minister's Order of 7 December 2012 giving approval to the granting of a licence at Yinnar Bicentennial Park Reserve.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 113, 132 and 137/2012.

Notice pursuant to section 32(4)(a)(iii) in relation to Statutory Rule No. 135/2012.

Major Sporting Events Act 2009 — Major sporting event order of 11 December 2012 in relation to key cricket matches held at the Melbourne Cricket Ground in the years 2012 to 2017.

National Parks Act 1975 — Minister's consent of 3 December 2012 and notice of consent of 14 December 2012 in relation to a quarry in the Great Otway National Park.

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

Ararat Planning Scheme — Amendment C19.

Bass Coast Planning Scheme — Amendment C126.

Baw Baw Planning Scheme — Amendment C83.

Boroondara Planning Scheme — Amendment C180.

Brimbank Planning Scheme — Amendment C133.

Cardinia Planning Scheme — Amendments C97, C169, C170 and C180.

Colac Otway Planning Scheme — Amendments C65 Part 1 and C68.

Frankston Planning Scheme — Amendments C46 Part 2 and C83.

Glen Eira Planning Scheme — Amendment C87.

Greater Bendigo Planning Scheme — Amendment C169.

Greater Dandenong Planning Scheme — Amendments C132 and C167.

Greater Geelong Planning Scheme — Amendment C258.

Greater Shepparton Planning Scheme — Amendment C159.

Hepburn Planning Scheme — Amendment C38.

Hume Planning Scheme — Amendment C134.

Knox Planning Scheme — Amendment C122.

Manningham Planning Scheme — Amendment C78.

Maribyrnong Planning Scheme — Amendment C111.

Melbourne Planning Scheme — Amendment C169.

Melton Planning Scheme — Amendments C110 and C136.

Moira Planning Scheme — Amendment C69.

Moonee Valley Planning Scheme — Amendments C102 and C127.

Mount Alexander Planning Scheme — Amendment C80.

Port Phillip Planning Scheme — Amendment C98.

Pyrenees Planning Scheme — Amendment C34.

Strathbogie Planning Scheme — Amendment C66.

Surf Coast Planning Scheme — Amendment C71 Part 3.

Swan Hill Planning Scheme — Amendment C40.

Victoria Planning Provisions — Amendment VC93.

Wellington Planning Scheme — Amendment C75.

Whitehorse Planning Scheme — Amendments C135 and C147.

- Whittlesea Planning Scheme — Amendment C133.  
Yarra Ranges Planning Scheme — Amendment C123.
- Professional Standards Act 2003 —  
College of Investigative and Remedial Consulting Engineers Australia Professional Standards Scheme, 21 December 2012.  
Instrument Amending the Engineers Australia Victoria Scheme, 21 December 2012.
- Statutory Rules under the following Acts of Parliament:  
Accident Towing Services Act 2007 — No. 163/2012.  
Adoption Act 1984 — No. 151/2012.  
Bail Act 1977 — No. 148/2012.  
County Court Act 1958 — Nos. 146 and 167/2012.  
County Court Act 1958 — Civil Procedure Act 2010 — No. 166/2012.  
Electricity Safety Act 1998 — No. 152/2012.  
Evidence Act 2008 — No. 149/2012.  
Infringements Act 2006 — No. 150/2012.  
Magistrates' Court Act 1989 — Nos. 158 and 159/2012.  
Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 160/2012.  
Road Safety Act 1986 — Nos. 155 to 157 and 162/2012.  
Subordinate Legislation Act 1994 — Nos. 153, 154, 164 and 165/2012.  
Supreme Court Act 1986 — No. 145/2012.  
Victorian Civil and Administrative Tribunal Act 1998 — No. 147/2012.  
Whistleblowers Protection Act 2001 — No. 144/2012.  
Wildlife Act 1975 — No. 161/2012.
- Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 135, 136 and 144 to 167/2012.  
Legislative Instruments and related documents under section 16B in respect of —  
An Order of 19 December 2012 Fixing Victorian Curriculum and Assessment Authority Fees made under the Education and Training Reform Act 2006.  
Direction to governing boards of adult education institutions on executive remuneration and classification of 21 December 2012 made under the Education and Training Reform Act 2006.  
Direction to boards of TAFE institutes on executive remuneration and classification of 21 December 2012 made under the Education and Training Reform Act 2006.  
Ministerial Order No. 615 for the fixing of fees administered by The Victorian Registration and Qualifications Authority made under the Education and Training Reform Act 2006.  
Ministerial Order No. 632 made under the Education and Training Reform Act 2006.  
Designation of Tow Away Area in the Chapel Street Precinct of 9 December 2012 made under the Local Government Act 1989.  
Greyhound Racing Victoria Club Bookmakers Licence Levy Rules made under the Racing Act 1958.  
Harness Racing Victoria – Adoption of amendments to national rules of harness racing made under the Racing Act 1958.  
By-law No. 9 Recreational Areas – Gippsland and Southern Rural Water Corporation made under the Water Act 1989.
- PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk:  
Civil Procedure Amendment Act 2012 — except Part 4 — 24 December 2012; Part 4 — 31 March 2013 (*Gazette No. S429, 11 December 2012*).  
Commission for Children and Young People Act 2012 — 1 March 2013 (*Gazette No. S27, 29 January 2013*).  
Drugs, Poisons and Controlled Substances Amendment Act 2012 — Remaining provisions — 13 December 2012 (*Gazette No. S429, 11 December 2012*).

Justice Legislation Amendment (Family Violence and Other Matters) Act 2012 — Parts 1, 3 to 5 and 7 — 20 December 2012 (*Gazette No. S444, 19 December 2012*); Part 2 (except sections 5 to 12 and 31) — 4 February 2013 (*Gazette No. S27, 29 January 2013*).

Mineral Resources (Sustainable Development) Amendment Act 2012 — 1 February 2013 (*Gazette No. S27, 29 January 2013*).

Residential Tenancies and Other Consumer Acts Amendment Act 2012 — Divisions 2 and 3 of Part 2 — 1 February 2013; Remaining provisions of Division 2 of Part 3 (other than section 21) — 31 March 2013 (*Gazette No. S444, 19 December 2012*).

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Sections 27 and 29 — 1 January 2013 (*Gazette No. S444, 19 December 2012*).

\* \* \* \* \*

**BUDGET UPDATE, 2012-13** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Update, 2012-13.

## 6 PRODUCTION OF DOCUMENTS —

**CHANNEL DEEPENING OF PORT PHILLIP BAY** — The Clerk laid on the Table a letter from the Minister for Major Projects, Ports, Racing and Regional Cities in response to the Resolution of the Council of 12 December 2012 seeking the production of documents relating to channel deepening of Port Phillip Bay, advising that the Government —

- does not hold the information which was sought as it is held by the Port of Melbourne Corporation; and
- is still in the process of preparing its response to this resolution.

On the motion of Ms Pennicuik, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**REFORMED ZONES REVIEW** — The Clerk laid on the Table a letter from the Minister for Planning in response to the Resolution of the Council of 12 December 2012 seeking the production of a copy of all public submissions received by the Department of Planning and Community Development in relation to the *Reformed Zones for Victoria* planning zones review indicating that the Government will not be able to respond to the Council's resolution within the time period requested by the Council but will endeavour to respond as soon as possible.

On the motion of Mr Barber, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

## 7 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 6 February 2013:

- (1) the notice of motion given this day by Mr Lenders relating to Government cuts to Victoria's education system;
- (2) Order of the Day No. 1, second reading of the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011; and
- (3) the notice of motion given this day by Mr Barber relating to the provision of the Rolling Stock Procurement Plan.

Question — put and agreed to.

## 8 MEMBERS' STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

## 9 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

## 10 RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012 — 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.

- 11 LIQUOR CONTROL REFORM AMENDMENT BILL 2012** — 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.

- 12 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.14 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 106 — Wednesday, 6 February 2013

- 1 The President took the Chair and read the Prayer.

- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Auditor-General's Report on Addressing Homelessness: Partnerships and Plans, February 2013.

- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 4 **EDUCATION SYSTEM CUTS** — Mr Lenders moved, That this House notes the Baillieu Government's cuts to Victoria's education system, including —

- (1) its refusal to improve facilities for early childhood education and abandonment of occasional childcare;
  - (2) the devastating impact of the \$555 million pulled from the education budget, including cuts to vital programs like —
    - (a) the School Start Bonus;
    - (b) Free Fruit Friday;
    - (c) the Conveyance Allowance;
    - (d) the Education Maintenance Allowance; and
    - (e) the School Focused Youth Services;
  - (3) the \$290 million TAFE cuts, which have forced the closure of campuses making it harder for Victorians to access vocational education; and
  - (4) the abandonment of the infrastructure renewal of Labor's Victorian Schools Plan;
- and calls on the Premier to guarantee that he will not make further cuts to education and skills in Victoria.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders—*

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 6 **EDUCATION SYSTEM CUTS** — Debate continued on the question, That this House notes the Baillieu Government's cuts to Victoria's education system, including —

- (1) its refusal to improve facilities for early childhood education and abandonment of occasional childcare;

- (2) the devastating impact of the \$555 million pulled from the education budget, including cuts to vital programs like —
  - (a) the School Start Bonus;
  - (b) Free Fruit Friday;
  - (c) the Conveyance Allowance;
  - (d) the Education Maintenance Allowance; and
  - (e) the School Focused Youth Services;
- (3) the \$290 million TAFE cuts, which have forced the closure of campuses making it harder for Victorians to access vocational education; and
- (4) the abandonment of the infrastructure renewal of Labor's Victorian Schools Plan; and calls on the Premier to guarantee that he will not make further cuts to education and skills in Victoria.

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

**7 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011** — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Mr P.R. Davis, the debate was adjourned for one week.

**8 EDUCATION SYSTEM CUTS** — Debate continued on the question, That this House notes the Baillieu Government's cuts to Victoria's education system, including —

- (1) its refusal to improve facilities for early childhood education and abandonment of occasional childcare;
- (2) the devastating impact of the \$555 million pulled from the education budget, including cuts to vital programs like —
  - (a) the School Start Bonus;
  - (b) Free Fruit Friday;
  - (c) the Conveyance Allowance;
  - (d) the Education Maintenance Allowance; and
  - (e) the School Focused Youth Services;
- (3) the \$290 million TAFE cuts, which have forced the closure of campuses making it harder for Victorians to access vocational education; and
- (4) the abandonment of the infrastructure renewal of Labor's Victorian Schools Plan; and calls on the Premier to guarantee that he will not make further cuts to education and skills in Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall ( <i>Teller</i> )
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negatived.

- 9 PRODUCTION OF DOCUMENTS — ROLLING STOCK PROCUREMENT PLAN —**  
Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council on Tuesday, 19 March 2013, the Rolling Stock Procurement Plan described on page 15 of the *V/Line Pty Ltd Initial Strategic Operations Plan, 10 November 2011* and, in addition, any updated versions of the Rolling Stock Procurement Plan.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

- 10 STATEMENTS ON REPORTS AND PAPERS —** Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

- 11 ADJOURNMENT —** The Acting President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 7.05 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 107 — Thursday, 7 February 2013

- 1 The President took the Chair and read the Prayer.  
2 **BLACK SATURDAY BUSHFIRES —** Members stood for a minute's silence to commemorate the fourth anniversary of the Black Saturday bushfires.  
3 **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:

Statutory Rules under the following Acts of Parliament:

Land Conservation (Vehicle Control) Act 1972 — No. 3.

Members of Parliament (Register of Interests) Act 1978 — No. 4.

Sex Work Act 1994 — No. 2.

Supreme Court Act 1986 — No. 1.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 1 to 3.

\* \* \* \* \*

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

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012 — Remaining provisions — 10 February 2013 (*Gazette No. S32, 6 February 2013*).

Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Act 2012 — 10 February 2013 (*Gazette No. S32, 6 February 2013*).

Victorian Inspectorate Amendment Act 2012 — 10 February 2013 (*Gazette No. S32, 6 February 2013*).

**4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 19 February 2013.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**7 PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**9 PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012** — Debate continued on the question, That the Bill be now read a second time.

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.

Mr Guy moved, That the Bill be now read a third time.

Debate ensued.

Question — That the Bill be now read a third time and do pass — put.

The Council divided — The Deputy President in the Chair.

AYES, 36

NOES, 3

Ms Broad

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland

Ms Crozier

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall (*Teller*)

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

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

**10 IBAC COMMITTEE AND ACCOUNTABILITY AND OVERSIGHT COMMITTEE** — Mr D.M. Davis moved, by leave, That —

- (1) Mr Koch and Mr Viney be members of the IBAC Committee; and
- (2) Mr O'Donohue and Mr O'Brien be members of the Accountability and Oversight Committee.

Question — put and agreed to.

**11 TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012** — 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.

**12 CORRECTIONS AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Corrections Act 1986 and the Parole Orders (Transfer) Act 1983 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

**13 ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to adopt in Victoria a national law relating to electronic conveyancing and to make consequential amendments to the Transfer of Land Act 1958 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Mr Jennings), the debate was adjourned for one week.

**14 COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the Supreme Court Act 1986 and the County Court Act 1958 to provide for the office of reserve judge, to amend the Magistrates' Court Act 1989 to provide for the office of reserve magistrate, to repeal the offices of acting judge and acting magistrate and to consequentially amend the Judicial Salaries Act 2004 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 15 CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 and the Sentencing Act 1991 to insert new offences of causing serious injury intentionally or recklessly in circumstances of gross violence, to provide for a minimum non-parole period in certain circumstances for those offences, to amend certain definitions of injury and serious injury and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 16 HEALTH SERVICES AMENDMENT (HEALTH PURCHASING VICTORIA) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to expand the range of health or related services in relation to which Health Purchasing Victoria performs functions and exercises powers to include registered community health centres and women's health services and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Jennings), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.54 p.m., adjourned until Tuesday, 19 February 2013.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 105, 106 and 107

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Thursday, 7 February 2013

### 1 PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012

**Clauses 1 to 43** — put and agreed to.

**Clause 44** — Question — That Clause 44 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

NOES, 19

Mr Barber  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos (*Teller*)  
Mr Pakula  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

**Clauses 45 to 92** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 108, 109 and 110

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#### No. 108 — Tuesday, 19 February 2013

- 1 The President took the Chair and read the Prayer.
- 2 **DEATH OF FIREFIGHTERS, HARRIETVILLE** — The President expressed the House's deepest and sincere condolences to the family and friends of Katie Peters and Steven Kadar, the two firefighters who were tragically killed on duty near Harrietville on 13 February 2013.  
Members stood in their places as a mark of respect to the memory of the deceased.
- 3 **THE LATE HONOURABLE GEOFFREY PHILLIP CONNARD, AM** — Mr D.M. Davis moved, by leave, That this House expresses its sincere sorrow at the death, on 27 January 2013, of the Honourable Geoffrey Phillip Connard, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Higinbotham Province from 1982 to 1996.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 2:58 p.m. until 4:02 p.m.]*
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —  
On 12 February 2013, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Council:  
*Liquor Control Reform Amendment Act 2013*  
*Retirement Villages Amendment (Information Disclosure) Act 2013.*  
On 19 February 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Planning and Environment Amendment (General) Act 2013*  
*Traditional Owner Settlement Amendment Act 2013.*
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**HOUSING WAITING LISTS** — Ms Lovell having given answers to a question without notice and a supplementary question relating to housing waiting lists —  
On the motion of Mr Leane, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 6 **PETITIONS** —  
**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Scheffer and Mr Leane each presented Petitions bearing 8 and 60 signatures, respectively, from certain citizens of

Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

\* \* \* \* \*

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 289 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

## 7 PAPERS —

### **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —**

**AUDITOR-GENERAL APPOINTMENT** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on the Appointment of the Auditor-General of Victoria (including an Appendix).

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**MID-TERM REPORT** — Mr P.R. Davis presented a Report from the Public Accounts and Estimates Committee on its activities and achievements of the 57<sup>th</sup> Parliament (including an Appendix).

Ordered to lie on the Table and the Report to be printed.

Mr P.R. Davis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

### **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 2 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Australian Crime Commission — Report, 2011-12.

Parliamentary Committees Act 2003 — Government Response to the Family and Community Development Committee's Report on the Opportunities for Participation of Victorian Seniors.

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

Ballarat Planning Scheme — Amendment C159.

Banyule Planning Scheme — Amendment C82.

Bass Coast Planning Scheme — Amendment C78 Part 2.

Brimbank Planning Scheme — Amendment C121.

Casey Planning Scheme — Amendments C136, C154, C160 and C171.

Frankston Planning Scheme — Amendment C76.

Greater Bendigo Planning Scheme — Amendment C180.

Greater Dandenong Planning Scheme — Amendments C115 and C171.

Hume Planning Scheme — Amendment C138.

Indigo Planning Scheme — Amendment C58.

Moonee Valley Planning Scheme — Amendment C122.

- Moorabool Planning Scheme — Amendment C64.
- Moreland Planning Scheme — Amendment C113.
- Nillumbik Planning Scheme — Amendment C78 Part 1.
- Southern Grampians Planning Scheme — Amendment C23.
- Stonnington Planning Scheme — Amendment C158.
- Wyndham Planning Scheme — Amendment C137.
- Yarra Ranges Planning Scheme — Amendment C130.
- State Services Authority — The State of the Public Sector in Victoria, 2011-12.
- Statutory Rules under the following Acts of Parliament:
  - Australian Consumer Law and Fair Trading Act 2012 — No. 14.
  - Corrections Act 1986 — No. 15.
  - Court Security Act 1980 — No. 13.
  - Crimes (Assumed Identities) Act 2004 — No. 10.
  - Crimes (Controlled Operations) Act 2004 — No. 11.
  - Independent Broad-based Anti-corruption Commission Act 2011 — No. 5.
  - Major Crime (Investigative Powers) Act 2004 — No. 12.
  - Protected Disclosure Act 2012 — No. 7.
  - Public Interest Monitor Act 2011 — No. 8.
  - Surveillance Devices Act 1999 — No. 9.
  - Victorian Inspectorate Act 2011 — No. 6.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 4 to 15.
  - Legislative Instrument and related documents under section 16B in respect of an Order of 5 February 2013 approving the Association making the Municipal Association of Victoria Rules 2013 made under the Municipal Association Act 1907.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Climate Change and Environment Protection Amendment Act 2012 — 13 February 2013  
(*Gazette No. S44, 12 February 2013*).

**8 BUSINESS OF THE COUNCIL** — Mr Jennings moved, by leave, That precedence be given to the following General Business on Wednesday, 20 February 2013:

- (1) the notice of motion given this day by Mr Somyurek relating to employment and a Victorian jobs plan;
- (2) the notice of motion given this day by Mr Leane relating to funding for the Melbourne Jazz Co-operative;
- (3) Notice of Motion No. 518 standing in the name of Mr Tee relating to the production of the Urban Growth Boundary Anomalies Advisory Committee Report;
- (4) Notice of Motion No. 516 standing in the name of Mr Tee relating to the production of the Potentially Contaminated Land Advisory Committee Report;
- (5) Notice of Motion No. 520 standing in the name of Ms Hartland referring a matter to the Economy and Infrastructure References Committee relating to the impact of freight trucks on Melbourne; and
- (6) Notice of Motion No. 521 standing in the name of Ms Pennicuk relating to attendance figures at the 2013 Australian Formula 1 Grand Prix.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr D.M. Davis moved, by leave, That Mr Ondarchie be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**12 ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012** — 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.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**14 CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

Mr Dalla-Riva moved that the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr (*Teller*)

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland (*Teller*)

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Ms Lovell

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis

Mr Ondarchie

Mr Tee

Mrs Petrovich (*Teller*)

Ms Tierney

Mrs Peulich

Mr Viney

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question agreed to.

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question agreed to.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

**15 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 11.05 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 109 — Wednesday, 20 February 2013**

- 1 The President took the Chair and read the Prayer.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The President read a letter from Mr P.R. Davis resigning from the Public Accounts and Estimates Committee, effective from 19 February 2013.
- 3 **ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011** — The President having examined the Bill (the second reading having been given by Ms Hartland on 6 February 2013), ruled that, in his view, the Bill infringed the provisions of section 62 of the *Constitution Act 1975* because of the imposition of a further tax or impost on employers, and therefore the Bill could not proceed further in the Legislative Council.

Accordingly, the President ordered that the Bill be withdrawn.

**4 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 Reports on —

Implementation of School Infrastructure Programs, February 2013.

Ratings Practices in Local Government, February 2013.

Planning and Environment Act 1987 — Notice of Approval of Victoria Planning Provisions — VC81.

Statutory Rules under the following Acts of Parliament:

Climate Change Act 2010 — No. 20.

Conservation, Forests and Lands Act 1987 — No. 19.

Fisheries Act 1995 — No. 18.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 16 and 17.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 16 to 19.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 UNEMPLOYMENT IN VICTORIA** — Mr Somyurek moved, That this House notes the drastic reduction in job creation and retention in Victoria under the Baillieu Government, in that —

- (1) the average number of jobs created per month under the Bracks-Brumby Government was 4930, compared to 620 under the Baillieu Government;
- (2) when the Brumby Government left office in 2010 the unemployment rate was 5.4 per cent and the current rate is 6.1 per cent, well above the national average of 5.4 per cent;
- (3) the number of Victorians in work dropped by 30,000 in January 2013;
- (4) the average number of construction jobs created per quarter has fallen from 2115 under the Bracks-Brumby Governments, to 393 under the Baillieu Government;
- (5) under the Baillieu Government there have been eleven straight increases in Victorian unemployment;
- (6) nearly 20,000 fewer regional Victorians are employed now compared to when the Baillieu Government came to office;
- (7) the youth unemployment rate is now 20.9 per cent, 3.4 per cent higher than in January 2011, which means there are 2,700 fewer young Victorians in work and 6,600 more unemployed young Victorians;
- (8) the Baillieu Government has directly increased the number of unemployed Victorians through its decimation of the public service in spite of the Premier's statement that there would be "Absolutely no reduction in public servants" and that he was "not going to cop this line from the Labor Party"; and
- (9) in one of its first decisions after the election, the Government created two jobs when it increased the size of the Cabinet from 20 to 22;

and calls on the Baillieu Government to formulate a jobs plan for Victoria before even more Victorians find themselves out of work or unable to find jobs.

Debate ensued.

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

**7 MELBOURNE JAZZ CO-OPERATIVE** — Mr Leane moved, That this House notes that —

- (1) the Baillieu Government has denied funding to the Melbourne Jazz Co-operative;
- (2) the Melbourne Jazz Co-operative has supported emerging and established artists for 30 years and has previously received State Government funding every year since 1987;
- (3) the decision of the Baillieu Government has been widely criticised by many successful musicians including winner of three ARIA awards, pianist and composer Andrea Keller, who has stated she would not be a musician without the support of the Melbourne Jazz Co-operative;

and calls on the Baillieu Government to reconsider its short sighted decision to remove its support of the Melbourne Jazz Co-operative.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MOODY'S VICTORIAN CREDIT RATING** — Mr Rich-Phillips having given answers to a question without notice and a supplementary question relating to Moody's Victorian credit rating —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**9 MELBOURNE JAZZ CO-OPERATIVE** — Debate continued on the question, That this House notes that —

- (1) the Baillieu Government has denied funding to the Melbourne Jazz Co-operative;
- (2) the Melbourne Jazz Co-operative has supported emerging and established artists for 30 years and has previously received State Government funding every year since 1987;
- (3) the decision of the Baillieu Government has been widely criticised by many successful musicians including winner of three ARIA awards, pianist and composer Andrea Keller, who has stated she would not be a musician without the support of the Melbourne Jazz Co-operative;

and calls on the Baillieu Government to reconsider its short sighted decision to remove its support of the Melbourne Jazz Co-operative.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmar	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Ms Mikakos	Mr Finn
Mr Pakula	Mr Guy
Ms Pulford	Mr Hall
Mr Scheffer	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tarlamis ( <i>Teller</i> )	Ms Lovell
Mr Tee ( <i>Teller</i> )	Mr O'Donohue ( <i>Teller</i> )
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

**10 PRODUCTION OF DOCUMENTS — URBAN GROWTH BOUNDARY ANOMALIES**

**ADVISORY COMMITTEE REPORT** — Mr Tee moved, That this House requires the Minister for Planning to table in the Legislative Council on Tuesday, 5 March 2013, a copy of the *Urban Growth Boundary Anomalies Advisory Committee Report* that, according to the Department of Planning and Community Development website, was submitted on 4 May 2012.

Debate ensued.

Question — put and agreed to.

- 11 PRODUCTION OF DOCUMENTS — POTENTIALLY CONTAMINATED LAND ADVISORY COMMITTEE REPORT** — Mr Tee moved, That this House requires the Minister for Planning to table in the Legislative Council on Tuesday, 5 March 2013, a copy of the *Potentially Contaminated Land Advisory Committee Report* that, according to the Department of Planning and Community Development website, was submitted on 9 March 2012.

Debate ensued.

Question — put and agreed to.

- 12 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — FREIGHT TRUCKS IMPACT** — Ms Hartland moved, That this House requires the Economy and Infrastructure References Committee to inquire into, consider and report no later than 20 August 2013 on the impact of freight trucks on Melbourne, including crashes, road damage and costs, air pollution (including health impacts), traffic congestion and alternatives for moving the growing freight task.

Debate ensued.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mrs Coote
Ms Broad	Ms Crozier
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr D.M. Davis
Mr Elasmr	Mr P.R. Davis
Mr Jennings	Mr Drum ( <i>Teller</i> )
Ms Hartland ( <i>Teller</i> )	Mr Elsbury
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Ms Mikakos	Mr Hall
Mr Pakula	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 13 UNEMPLOYMENT IN VICTORIA** — Debate resumed on the question, That this House notes the drastic reduction in job creation and retention in Victoria under the Baillieu Government, in that —
- (1) the average number of jobs created per month under the Bracks-Brumby Government was 4930, compared to 620 under the Baillieu Government;
  - (2) when the Brumby Government left office in 2010 the unemployment rate was 5.4 per cent and the current rate is 6.1 per cent, well above the national average of 5.4 per cent;
  - (3) the number of Victorians in work dropped by 30,000 in January 2013;
  - (4) the average number of construction jobs created per quarter has fallen from 2115 under the Bracks-Brumby Governments, to 393 under the Baillieu Government;

- (5) under the Baillieu Government there have been eleven straight increases in Victorian unemployment;
- (6) nearly 20,000 fewer regional Victorians are employed now compared to when the Baillieu Government came to office;
- (7) the youth unemployment rate is now 20.9 per cent, 3.4 per cent higher than in January 2011, which means there are 2,700 fewer young Victorians in work and 6,600 more unemployed young Victorians;
- (8) the Baillieu Government has directly increased the number of unemployed Victorians through its decimation of the public service in spite of the Premier's statement that there would be "Absolutely no reduction in public servants" and that he was "not going to cop this line from the Labor Party"; and
- (9) in one of its first decisions after the election, the Government created two jobs when it increased the size of the Cabinet from 20 to 22;

and calls on the Baillieu Government to formulate a jobs plan for Victoria before even more Victorians find themselves out of work or unable to find jobs.

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

**14 2013 AUSTRALIAN GRAND PRIX ATTENDANCE** — Ms Pennicuik moved, That this House calls on the Government to require the Australian Grand Prix Corporation to undertake a full and accurate count of attendance at the Formula 1 Grand Prix to be held in Melbourne on 14 to 17 March 2013 inclusive, including a full and accurate breakdown of attendance by —

- (a) paid general admission;
- (b) grandstand and corporate suites;
- (c) complimentary or free admission including all classes of accredited attendees including media, officials, race teams and all other event staff; and
- (d) the number of free passes issued but not used;

and to publicly release this information by 18 March 2013.

Debate ensued.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 18	NOES, 19
Mr Barber ( <i>Teller</i> )	Ms Crozier
Ms Broad	Mr Dalla-Riva
Ms Darveniza	Mr D.M. Davis
Mr Eideh	Mr P.R. Davis
Mr Elasmr	Mr Drum
Mr Jennings ( <i>Teller</i> )	Mr Elsbury
Ms Hartland	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Hall
Ms Mikakos	Mr Koch ( <i>Teller</i> )
Mr Pakula	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mr O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Petrovich
Ms Tierney	Mrs Peulich
Mr Viney	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.52 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 110 — Thursday, 21 February 2013

1 The President took the Chair and read the Prayer.

2 **PETITIONS — EDUCATION FUNDING** — Ms Leane and Ms Broad each presented a Petition bearing 226 and 63 signatures, respectively, from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.

Ordered to lie on the Table.

3 **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:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2012.

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2012.

Legal Profession Act 2004 — Practitioner Remuneration Order 2013.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2012.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2012.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2012.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Road Safety Amendment Act 2012 — Section 5 — 20 February 2013 (*Gazette No. S54, 19 February 2013*).

4 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 5 March 2013.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

7 **HEALTH SERVICES AMENDMENT (HEALTH PURCHASING VICTORIA) BILL 2012** — 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.

8 **COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Pakula were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 10 COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

- 12 CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012** — 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.

- 13 CO-OPERATIVES NATIONAL LAW APPLICATION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the application of a national law relating to the formation, registration and operation of co-operatives, to repeal the Co-operatives Act 1996 and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

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

- 14 JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 in relation to the cancellation of parole and the powers of the Adult Parole Board in relation to electronic monitoring of prisoners released on parole, to amend the Children, Youth and Families Act 2005 in relation to the legal representation of children before the Family Division of the Children's Court and to amend the Surveillance Devices Act 1999 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**15 ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS)**

**BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Scheffer, the debate was adjourned for one week.

**16 JURY DIRECTIONS BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to simplify and clarify the law on jury directions in criminal trials and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Pakula), the debate was adjourned for one week.

**17 STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria in relation to the criminal liability of officers of bodies corporate and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalla-Riva, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Dalla-Riva laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalla-Riva, the second reading speech was incorporated into Hansard.

Mr Dalla-Riva moved, That the Bill be now read a second time.

On the motion of Ms Tierney, the debate was adjourned for one week.

**18 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.26 p.m., adjourned until Tuesday, 5 March 2013.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 108, 109 and 110

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Thursday, 21 February 2013

### 1 COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012

**Clauses 1 to 11** — put and agreed to.

**Clause 12** — Mr Pakula moved —

1. Clause 12, page 7, lines 11 and 12, omit "Attorney-General" and insert "Chief Justice".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Mr Pakula  
Ms Pennicuik (*Teller*)  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negatived.

Clause 12 — put and agreed to.

**Clauses 13 to 24** — put and agreed to.

**Clause 25** — Mr Pakula moved —

2. Clause 25, page 19, lines 3 and 4, omit "Attorney-General" and insert "Chief Judge".

Question — That the amendment be agreed to — put and negatived.

Clause 25 — put and agreed to.

**Clauses 26 to 34** — put and agreed to.

**Clause 35** — Mr Pakula moved —

3. Clause 35, page 29, lines 11 and 12, omit "Attorney-General" and insert "Chief Magistrate".

Question — That the amendment be agreed to — put and negatived.

Clause 35 — put and agreed to.

**Clauses 36 to 80** — put and agreed to.

**Bill reported without amendment.**

## 2 CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Ms Pennicuik moved —

1. Clause 9, page 11, line 3, omit "offence." and insert "offence; or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Ms Broad

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmar

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Ms Mikakos

Mr O'Brien

Mr O'Donohue

Mr Ondarchie (*Teller*)

Mr Pakula

Mrs Petrovich

Mrs Peulich

Ms Pulford (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Mr Viney

Amendment negatived.

Clause 9 — put and agreed to.

**Clauses 10 and 11** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 111, 112 and 113

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#### No. 111 — Tuesday, 5 March 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 26 February 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Courts Legislation Amendment (Reserve Judicial Officers) Act 2013*

*Crimes Amendment (Gross Violence Offences) Act 2013*

*Electronic Conveyancing (Adoption of National Law) Act 2013*

*Health Services Amendment (Health Purchasing Victoria) Act 2013.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITIONS** —

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 276 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

\* \* \* \* \*

**EDUCATION FUNDING** — Mr Tee presented a Petition bearing 112 signatures from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.

Ordered to lie on the Table.

- 5 **PAPERS** —

**LAW REFORM COMMITTEE — INTELLECTUAL DISABILITY ACCESS TO JUSTICE** — Mrs Petrovich presented a Report from the Law Reform Committee on Access to and Interaction with the Justice System by People with an Intellectual Disability and Their Families and Carers (including Appendices, an Extract of the Proceedings and a Minority Report) together with transcripts of evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Petrovich moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —**

Mr O'Donohue presented Alert Digest No. 3 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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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:

Emergency Services Superannuation Scheme — Report on the Triennial Valuation of Liabilities of the ESSS Defined Benefit Fund and the State Superannuation Fund as at 30 June 2012.

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal, pursuant to section 65AB(2)(b) of the Act.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C176.

Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C121.

Baw Baw Planning Scheme — Amendment C98.

Bayside Planning Scheme — Amendment C82.

Cardinia Planning Scheme — Amendment C150.

Greater Geelong Planning Scheme — Amendments C220 and C250.

Hume Planning Scheme — Amendment C177.

Latrobe Planning Scheme — Amendment C76.

Manningham Planning Scheme — Amendment C54.

Maroondah Planning Scheme — Amendments C82 and C89.

Melbourne Planning Scheme — Amendment C204.

Melton Planning Scheme — Amendment C137.

Mount Alexander Planning Scheme — Amendment C55.

Port of Melbourne Planning Scheme — Amendment C1.

South Gippsland Planning Scheme — Amendment C70.

Wellington Planning Scheme — Amendment C73.

Whitehorse Planning Scheme — Amendments C126 and C142.

Statutory Rules under the following Acts of Parliament:

Audit Act 1994 — No. 21.

Cancer Act 1958 — No. 22.

Fisheries Act 1995 — No. 18.

Road Safety Act 1986 — No. 23.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 20 to 23.

Legislative Instruments and related documents under section 16B in respect of —

An Exemption Order of 19 February 2013 made under section 6(3A) of the Livestock Disease Control Act 1994.

Amendments to Plumpton Coursing Rules commencing 1 April 2013 made under the Racing Act 1958.

VicFleet Pty Ltd — Minister's report of failure to submit report for 2011-12 to the Minister within the prescribed period and the reasons therefor and Minister's report of receipt of 2011-12 report.

**6 PRODUCTION OF DOCUMENTS — PLANNING ADVISORY COMMITTEE REPORTS —**

The Clerk laid on the Table a letter from the Minister for Planning dated 4 March 2013 in response to the Resolutions of the Council of 20 February 2013 seeking the production of documents relating to the Urban Growth Boundary Anomalies Advisory Committee Report and the Potentially Contaminated Land Advisory Committee Report, advising that the Government —

- will not be able to respond to the Council's resolution within the time period requested by the Council; and
- will endeavour to respond as soon as possible.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 6 March 2013:
- (a) the Notice of Motion given this day by Ms Pulford referring a matter to the Economy and Infrastructure References Committee relating to psychological and physical injuries suffered by Victorian firefighters due to the changing nature of their work;
  - (b) the Notice of Motion given this day by Mr Jennings relating to hospital waiting lists;
  - (c) Order of the Day No. 25, resumption of debate on motion relating to employment and a Victorian jobs plan;
  - (d) Notice of Motion No. 498 standing in the name of Ms Pennicuik relating to the disallowance of the Wildlife (Game) Regulations 2012;
  - (e) the Notice of Motion given this day by Ms Pennicuik taking note of a petition relating to duck shooting;
  - (f) the Notice of Motion given this day by Mr Barber relating to the provision of the Department of Transport's 2012-13 Network Revenue Protection Plan;
  - (g) Notice of Motion No. 528 standing in the name of Ms Hartland referring the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 to the Economy and Infrastructure Legislation Committee; and
- (2) this House authorises the President to permit Notices of Motion, General Business, items (1)(d) and (e) as specified above, to be moved and debated concurrently.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 4, be postponed until later this day.**10 JURY DIRECTIONS BILL 2012** — 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.

**11 ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Barber moved, That the Energy Legislation Amendment (Flexible Pricing and Other Matters) Bill 2012 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report by 11 June 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis

Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Mr Pakula ( <i>Teller</i> )	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

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.

**12 STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012** — 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 committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Dalla-Riva 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, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell

NOES, 3

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Pakula  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

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

**13 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.24 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 112 — Wednesday, 6 March 2013

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**CLASSIFICATION OF COMPUTER GAMES AND FILMS** — Mr Dalla-Riva moved, by leave, That there be laid before this House a copy of the National Classification Code, Guidelines for the Classification of Computer Games and Guidelines for the Classification of Films.

Question — put and agreed to.

The Paper was presented by Mr Dalla-Riva and ordered to lie on the Table.

\* \* \* \* \*

**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 Management of Unplanned Leave in Emergency Services, March 2013.

Australian Crime Commission —

Report under section 30L of the Surveillance Devices Act 1999, 2011-12.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2011-12.

Statutory Rules under the following Acts of Parliament:

Road Safety Act 1986 — No. 26.

Supreme Court Act 1986 — Civil Procedure Act 2010 — No. 27.

Victorian Energy Efficiency Target Act 2007 — No. 24.

Water Industry Act 1994 — No. 25.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 26 and 27.

Victoria Police — Chief Commissioner — Report under section 30L of the Surveillance Devices Act 1999, 2011-12.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — FIREFIGHTERS HEALTH** — Ms Pulford moved, That this House requires the Economy and Infrastructure References Committee to inquire into the extent and implications of the psychological and physical injuries suffered by Victorian firefighters due to the changing nature of their work, including, but not limited to, a dramatic increase in responding to traumatic incidents such as suicides, road accidents and occurrences of sudden infant death syndrome and the Committee is required to table an interim report no later than 28 May 2013 and a final report no later than 20 August 2013.

Debate ensued.

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

**5 ELECTIVE SURGERY WAITING LISTS** — Mr Jennings moved, That this House notes —

(1) that when the Baillieu Government came to office the waiting list for elective surgery was 38,897;

(2) with dismay, on behalf of Victorian patients, that for the last five quarters in a row, elective surgery waiting lists have been on each successive occasion the highest ever recorded in Victoria with the most recent list showing the number of patients waiting is now at an appalling and unacceptable record high of 47,760;

and calls on the Baillieu Government to restore sufficient Victorian funding to our health services to enable them to reduce waiting lists for elective surgery to at least the same number of people who were on the list at the time of the election in 2010.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 ELECTIVE SURGERY WAITING LISTS** — Debate continued on the question, That this House notes —

(1) that when the Baillieu Government came to office the waiting list for elective surgery was 38,897;

(2) with dismay, on behalf of Victorian patients, that for the last five quarters in a row, elective surgery waiting lists have been on each successive occasion the highest ever recorded in Victoria with the most recent list showing the number of patients waiting is now at an appalling and unacceptable record high of 47,760;

and calls on the Baillieu Government to restore sufficient Victorian funding to our health services to enable them to reduce waiting lists for elective surgery to at least the same number of people who were on the list at the time of the election in 2010.

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1, be postponed until later this day.

**9 WILDLIFE (GAME) REGULATIONS 2012** — Leave having been granted for the cognate debate on Notices of Motion Nos. 498 and 533 to not proceed, Ms Pennicuik moved, That the Wildlife (Game) Regulations 2012 be disallowed.

Debate ensued.

The Council divided — The President in the Chair.

AYES, 3	NOES, 37
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
Ms Pennicuik	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Ms Darveniza

Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch (*Teller*)  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 533, be postponed until the next day of meeting.

**11 PRODUCTION OF DOCUMENTS — NETWORK REVENUE PROTECTION PLAN, 2012-13**  
— Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council on Tuesday, 19 March 2013, a copy of the Department of Transport's Network Revenue Protection plan for the 2012-13 financial year.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Dalla-Riva moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.47 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 113 — Thursday, 7 March 2013

- 1 The President took the Chair and read the Prayer.
- 2 **RIGHT OF REPLY — MR BARRY MANN** — Pursuant to Standing Order 21.03, the President informed the Council of his decision that no further action be taken in relation to a submission for a Right of Reply received from Mr Barry Mann.
- 3 **PETITION — EDUCATION FUNDING** — Mr Scheffer presented a Petition bearing 755 signatures from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.  
Ordered to lie on the Table.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner's Report, 2011-12.
  - Planning and Environment Act 1987 — Notices of Approval of Victoria Planning Provisions — Amendments VC89 and VC97.
  - Victorian Inspectorate — Report for the period 1 July to 31 December 2012, pursuant to section 30Q of the Surveillance Devices Act 1999.
- 5 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 19 March 2013.  
Question — put and agreed to.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 8 **CO-OPERATIVES NATIONAL LAW APPLICATION BILL 2013** — 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.
- 9 **CORRECTIONS AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 10 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 11 **CORRECTIONS AMENDMENT BILL 2012** — Debate continued on the question, That the Bill be now read a second time.  
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.
- 12 **PRODUCTION OF DOCUMENTS — BATHYMETRIC DATA AND CHANNEL DEEPENING PROJECT** — The Clerk laid on the Table a letter from the Minister for Major Projects, Ports, Racing and Regional Cities, dated 5 March 2013, together with certain documents relating to Channel Deepening of Port Phillip Bay, in accordance with the Resolution of the Council on 12 December 2012.

On the motion of Ms Pennicuik, the letter and documents were ordered to be taken into consideration on the next day of meeting.

- 13 JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Pennicuik, the debate was adjourned for one week.

- 14 MAJOR SPORTING EVENTS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Sporting Events Act 2009 in relation to events and event venues, crowd management, aerial advertising and sports event ticketing and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

- 15 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 16 ALPINE RESORTS AND NATIONAL PARKS ACTS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the excision of 2 parcels of land from the Alpine National Park, the incorporation of that land and other land into the Falls Creek Alpine Resort, the excision of a parcel of land from the Falls Creek Alpine Resort and the incorporation of that land into the Alpine National Park and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 17 WATER LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 and the Water Industry Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**18 EDUCATION AND TRAINING REFORM AMENDMENT (TEACHER REGISTRATION AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.46 p.m., adjourned until Tuesday, 19 March 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 111, 112 and 113

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**Tuesday, 5 March 2013**

### **1 ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012**

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Question — That Clause 3 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Question agreed to.

**Clauses 4 to 28** — put and agreed to.

**Bill reported without amendment.**

**2 STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012**

**Clauses 1 to 58** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 7 March 2013**

**1 CORRECTIONS AMENDMENT BILL 2012**

**Clauses 1 to 50** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 114, 115 and 116

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#### No. 114 — Tuesday, 19 March 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ELECTORAL MATTERS COMMITTEE** — The President read a letter from Mrs Heidi Victoria, MP, resigning from the Electoral Matters Committee, effective from 18 March 2013.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 13 March 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Co-operatives National Law Application Act 2013*
  - Corrections Amendment Act 2013*
  - Energy Legislation Amendment (Flexible Pricing and Other Matters) Act 2013*
  - Jury Directions Act 2013*
  - Statute Law Amendment (Directors' Liability) Act 2013.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 5 **PETITIONS — EDUCATION FUNDING** — Mr Leane and Mr Tee each presented a Petition bearing 68 and 20 signatures, respectively, from certain citizens of Victoria requesting that that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.

Ordered to lie on the Table.
- 6 **PAPERS —**
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr O'Donohue presented Alert Digest No. 4 of 2013 (including Appendices, an Extract of Proceedings and a Minority Report) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Climate Change Act 2010 — Victorian Climate Change Adaptation Plan.
  - Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, 2011-12.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
    - Ballarat Planning Scheme — Amendment C148.
    - Baw Baw Planning Scheme — Amendment C86.
    - Casey Planning Scheme — Amendment C133.
    - East Gippsland Planning Scheme — Amendment C109.

Greater Geelong Planning Scheme — Amendments C186 and C240.

Manningham Planning Scheme — Amendment C66.

Maribyrnong Planning Scheme — Amendment C70.

Stonnington Planning Scheme — Amendment C164.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 28.

Livestock Management Act 2010 — No. 29.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 24, 28 and 29.

Legislative Instrument and related documents under section 16B in respect of a Determination of conditions and times for firewood collection in Barmah National Park made under the National Parks Act 1975.

On the motion of Mr Barber, the Victorian Climate Change Adaptation Plan was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

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

Criminal Organisations Control Act 2012 — 13 March 2013 (*Gazette No. S86, 13 March 2013*).

Electronic Conveyancing (Adoption of National Law) Act 2013 — Parts 1 and 2 and Divisions 1 to 3 of Part 3 — 14 March 2013 (*Gazette No. S86, 13 March 2013*).

Residential Tenancies and Other Consumer Acts Amendment Act 2012 — Part 4 — 18 March 2013 (*Gazette No. S86, 13 March 2013*).

Traditional Owner Settlement Amendment Act 2013 — 8 March 2013 (*Gazette No. S70, 5 March 2013*).

\* \* \* \* \*

**BUDGET SECTOR — MID-YEAR FINANCIAL REPORT 2012-13** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2012-13 Mid-Year Financial Report (incorporating the Quarterly Financial Report No. 2).

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2012-13 BUDGET ESTIMATES PART TWO** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2012-13 Budget Estimates Part Two.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 20 March 2013:

- (1) Notice of Motion No. 535 standing in the name of Mr Leane relating to the Nadrasca Community Farm;
- (2) the Notice of Motion given this day by Mr Jennings to take note of answers given by the Minister for Health to questions without notice relating to Victorian hospitals and healthcare;
- (3) Notice of Motion No. 508 standing in the name of Ms Tierney relating to hospital funding in Geelong;
- (4) the Notice of Motion given this day by Mr Barber relating to the production of certain documents in relation to the East-West Link; and
- (5) Notice of Motion No. 528 standing in the name of Ms Hartland referring the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 to the Economy and Infrastructure Legislation Committee.

Question — put and agreed to.

**8 STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE** — Mr Lenders moved, by leave, That Ms Broad be discharged from the Economy and Infrastructure Legislation Committee and the Economy and Infrastructure References Committee and that Mr Lenders be appointed in her place.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**11 EDUCATION AND TRAINING REFORM AMENDMENT (TEACHER REGISTRATION AND OTHER MATTERS) BILL 2013** — 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.

**12 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The President read a letter from Mr O'Donohue resigning from the Scrutiny of Acts and Regulations Committee, with immediate effect.

**13 PARLIAMENTARY COMMITTEES** — Mr Hall moved, by leave, That —

(1) Mrs Peulich be a member of the Electoral Matters Committee; and

(2) Mr Dalla-Riva be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**15 WATER LEGISLATION AMENDMENT BILL 2012** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Hall were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Bill to be committed to a Committee of the whole on the next day of meeting.

**16 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 115 — Wednesday, 20 March 2013**

**1** The President took the Chair and read the Prayer.

**2 PETITION — NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 745 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

**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 Management of Freshwater Fisheries, March 2013.

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

Brimbank Planning Scheme — Amendment C155.

Maribyrnong Planning Scheme — Amendment C121.

Melbourne Planning Scheme — Amendment C213.

Melton Planning Scheme — Amendment C139.

Victoria Planning Provisions — Amendment VC85.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 30.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 NADRASCA COMMUNITY FARM** — Mr Leane moved, That the Napthine Government acts to ensure the Nadrasca Community Farm maintains its operation into the future at its current location at Morack Road, Vermont.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmarr (*Teller*)

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Ms Mikakos

Mr Guy

Mr Pakula

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Somyurek

Mr O'Brien (*Teller*)

Mr Tarlamis

Mr O'Donohue

Mr Tee

Mr Ondarchie

Ms Tierney (*Teller*)

Mrs Petrovich

Mr Viney

Mrs Peulich

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question negatived.

**6 COMMONWEALTH–STATE HEALTH AGREEMENT, HOSPITAL WAITING LISTS AND BED NUMBERS** — Mr Jennings moved, That this House takes note of the answers given by the Minister for Health to questions without notice asked in this House on —

(1) 1 March 2011 regarding the Commonwealth–State health agreement;

(2) 21 February 2013 regarding hospital waiting lists; and

(3) 7 March 2013 regarding hospital bed numbers.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 COMMONWEALTH–STATE HEALTH AGREEMENT, HOSPITAL WAITING LISTS AND BED NUMBERS** — Debate continued on the question, That this House takes note of the answers given by the Minister for Health to questions without notice asked in this House on —

- (1) 1 March 2011 regarding the Commonwealth–State health agreement;
- (2) 21 February 2013 regarding hospital waiting lists; and
- (3) 7 March 2013 regarding hospital bed numbers.

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

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 508, be postponed until later this day.

**10 PRODUCTION OF DOCUMENTS — EAST WEST LINK** — Mr Barber moved, That this House requires the Leader of the Government to table in the Legislative Council on Tuesday, 16 April 2013, a copy of —

- (1) all documents relating to the “Route alignments peer reviewed and short listed” and “communications and engagement strategy finalised” referred to on page 3 of “East West Link Reform and Investment Framework Stages 1 to 6, August 2012”, which formed part of the East West Link Submission to Infrastructure Australia;
- (2) the agenda, minutes, any attachments to the minutes and any presentations or materials tabled in relation to each meeting of the Department of Transport’s East-West Steering Committee to date;
- (3) all documents (including invitees list, agenda, minutes where they exist and the Microsoft PowerPoint presentation used) relating to a briefing, held on 17 July 2012 at the Treasury Building, on the development of a business case for the East West Link; and
- (4) all minutes and other documentation of meetings held with over 40 entities by the Minister for Roads and/or Department of Transport representatives relating to the proposed East West Tunnel infrastructure project, which are referenced in the media release “East West Link is declared under Major Transport Projects Act”.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 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.

**13 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.38 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 116 — Thursday, 21 March 2013**

**1** The President took the Chair and read the Prayer.

**2 PETITION — NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 52 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

**3 PAPERS —**

**CHILDREN'S COURT OF VICTORIA** — Mr Guy presented, by command of the Governor, the Report of the Children's Court Of Victoria for the year 2011-12.

The Report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**ABORIGINAL AFFAIRS** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2012.

Question — put and agreed to.

The Report was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**RURAL AND REGIONAL COMMITTEE — IMPACT OF FOOD SAFETY REGULATION ON FARMS AND OTHER BUSINESSES** — Mr Drum presented a Report from the Rural and Regional Committee on the Impact of Food Safety Regulation on Farms and Other Businesses (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Drum moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2012** — Mr Dalla-Riva presented the Annual Review 2012 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2011-12.

Statutory Rules under the following Acts of Parliament:

Architects Act 1991 — No. 33.

Business Licensing Authority Act 1998 — No. 31.

Fisheries Act 1995 — No. 18 (*in lieu of that tabled on 20 February 2013*).

Infringements Act 2006 — No. 30.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 32.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 31.

**4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 16 April 2013.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**7 MAJOR SPORTING EVENTS AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That contingent upon the Major Sporting Events Amendment Bill 2013 being committed, it be an instruction to the Committee that they have power to consider new clauses to amend the *Major Sporting Events Act 2009* to repeal the power to make no

compensation orders, to make consequential amendments and to provide for new reporting requirements for event organisers.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Mikakos	Mr Guy
Mr Pakula	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer ( <i>Teller</i> )	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Petrovich
Mr Viney	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill to be committed to a Committee of the whole later this day.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**BAW BAW PLANNING SCHEME AMENDMENT C96** — Mr Guy having given an answer to a question without notice relating to Baw Baw Planning Scheme Amendment C96 —

On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**10 JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013** — 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 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.

**11 CRIMES AMENDMENT (INTEGRITY IN SPORTS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to insert new offences in relation to corrupting the betting outcomes of events or event*

*contingencies on which it is lawful to place bets and for other purposes and requesting the agreement of the Council.*

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Leane), the debate was adjourned for one week.

- 12 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to enable growth areas to be declared anywhere in Victoria, to expand the functions of the Growth Areas Authority and to make other amendments to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 13 RAIL SAFETY NATIONAL LAW APPLICATION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make provision for a national system of rail safety and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 14 TRANSPORT LEGISLATION AMENDMENT (RAIL SAFETY LOCAL OPERATIONS AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Rail Safety Act 2006 to facilitate the safe operation of railways in Victoria to which the Rail Safety National Law (Victoria) does not apply and to make amendments to that Act to align that Act with the Rail Safety National Law (Victoria) to ensure consistency in the regulation of all railway operations in Victoria, to amend the Bus Safety Act 2009 and for other purposes* and requesting the agreement of the Council.

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

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 15 COMPANY TITLES (HOME UNITS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to confer additional jurisdiction on the Victorian Civil and Administrative Tribunal to hear and determine neighbourhood disputes affecting*

*company title corporations and service companies for building subdivisions and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Hall (for Mr Rich-Phillips), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Hall, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

Mr Hall made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 16 COGNATE DEBATE** — Mr Hall moved, by leave, That the second reading debate on the Rail Safety National Law Application Bill 2013 be taken concurrently with the second reading debate on the Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013.

Debate ensued.

Question — put and agreed to.

- 17 WATER LEGISLATION AMENDMENT BILL 2012** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, 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 with amendments and requesting their agreement.

- 18 MAJOR SPORTING EVENTS AMENDMENT BILL 2013** — 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.

- 19 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.18 p.m., adjourned until Tuesday, 16 April 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 114, 115 and 116

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Thursday, 21 March 2013

### 1 JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 11 to 13** — put and agreed to.

**Bill reported without amendment.**

## 2 WATER LEGISLATION AMENDMENT BILL 2012

**Clause 1** — Mr Hall moved —

1. Clause 1, page 2, after line 5 insert—  
"() reconfiguration plans; and".

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 31** — put and agreed to.

**New Clauses A and B to follow Clause 31** — Mr Hall moved —

2. Insert the following New Clauses to follow clause 31—

**'A New section 161BA inserted**

After section 161B of the **Water Act 1989** insert—

**"161BA Reconfiguration plans**

To avoid doubt, nothing in this Part empowers an Authority to adopt a reconfiguration plan that includes anything inconsistent with Part VII of the **Constitution Act 1975**."

**B Adoption of reconfiguration plans by Authority**

In section 161F(2) of the **Water Act 1989**, for "An Authority" substitute "Subject to section 161BA, an Authority".'

Question — That the New Clauses stand part of the Bill — put and agreed to.

Question — That Clause 31 be recommitted — put and agreed to.

**Recommitted Clause 31** — put and agreed to.

**Clauses 32 to 40** — put and agreed to.

**Bill reported with amendments.**

## 3 MAJOR SPORTING EVENTS AMENDMENT BILL 2013

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Ms Pennicuik moved —

1. Clause 10, after line 3, insert—

"(2) Before exercising a power under subsection (1), an authorised officer may warn a person that his or her behaviour may be disrupting or interrupting the event or causing unreasonable disruption or interference to spectators and if the behaviour continues the officer has the power to issue a direction to leave to that person.'.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland

Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson

Ms Broad

Mrs Coote

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh  
Mr Elasmar (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Pakula  
Mrs Petrovich  
Mrs Peulich (*Teller*)  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Clause 10 — put and agreed to.

**Clauses 11 to 30** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 117, 118 and 119

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#### No. 117 — Tuesday, 16 April 2013

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE JOHN DON, MBE AND WILLIAM FRANCIS STEPHEN, AM** —  
The President advised the House of the death, on 1 April 2013, of the Honourable John Don, MBE, Member of the Legislative Assembly for the Electoral District of Elsternwick from 1945 to 1955.

The President further advised the House of the death, on 5 April 2013, of Mr William Francis Stephen, AM, Member of the Legislative Assembly for the Electoral District of Ballarat South from 1964 to 1979.

Members stood in their places as a mark of respect to the memory of the deceased.

\* \* \* \* \*

**THE LATE BRUCE ALBERT EDWARD SKEGGS, OAM** — Mr D.M. Davis moved, by leave, That this House expresses its sincere sorrow at the death, on 21 March 2013, of Mr Bruce Albert Edward Skeggs, OAM and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Ivanhoe from 1973 to 1982 and the Legislative Council for the Templestowe Province from 1988 to 1996.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

26 March 2013

The Hon. Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that on Tuesday 26 March 2013, I received a letter from Mr Martin Pakula MLC, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter, Mr Pakula's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the *Constitution Act 1975*, a joint sitting of the Council and Assembly is now required to fill this vacancy.

Yours faithfully

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

Tuesday 26 March 2013

His Excellency the Honourable Alex Chernov, AC QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency,

I hereby resign as a Member of the Legislative Council for the Western Metropolitan Region effective of 26 March 2013.

Yours sincerely,

The Hon Martin Pakula

- 4 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 26 March 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Education and Training Reform Amendment (Teacher Registration and Other Matters) Act 2013*

*Justice Legislation Amendment (Cancellation of Parole and Other Matters) Act 2013*  
*Major Sporting Events Amendment Act 2013.*

- 5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**FRANKSTON CENTRAL ACTIVITIES CENTRE** — Mr Guy having given an answer to a question without notice relating to the Frankston Central Activities Centre —  
On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 6 PETITIONS** —  
**EDUCATION FUNDING** — Mr Scheffer and Mr Leane each presented Petitions bearing 74 and 17 signatures, respectively, from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.

Ordered to lie on the Table.

\* \* \* \* \*

**SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING** — Mr Leane presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 150 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

## 7 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 5 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**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 15 March 2013 giving approval to the granting of a licence at Camperdown Public Park Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 29.

Municipal Association of Victoria — Report, 2011-12.

Murray-Darling Basin Authority — Report, 2011-12.

National Environment Protection Council — Report, 2011-12.

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

Ararat Planning Scheme — Amendment C28.

Banyule Planning Scheme — Amendment C89.

Baw Baw Planning Scheme — Amendment C96.

Bayside Planning Scheme — Amendment C90 Part 1.

Boroondara Planning Scheme — Amendment C172.

Buloke Planning Scheme — Amendment C26.

Casey Planning Scheme — Amendment C161.

East Gippsland Planning Scheme — Amendments C89 and C113.

Frankston Planning Scheme — Amendment C86.

Gannawarra Planning Scheme — Amendment C32.

Glen Eira Planning Scheme — Amendment C93.

Golden Plains Planning Scheme — Amendments C58 and C59.

Greater Bendigo Planning Scheme — Amendments C166 Part 2 and C174.

Greater Shepparton Planning Scheme — Amendment C158.

Hepburn Planning Scheme — Amendments C55 and C57.

Hobsons Bay Planning Scheme — Amendment C87.

Kingston Planning Scheme — Amendments C117, C130 and C135.

Knox Planning Scheme — Amendments C49, C101, C110 and C111.

Latrobe Planning Scheme — Amendment C65.

Macedon Ranges Planning Scheme — Amendment C67 Part 2.

Maribyrnong Planning Scheme — Amendment C89.

Melbourne Planning Scheme — Amendments C187 and C194.

Melton Planning Scheme — Amendment C127.

Mitchell Planning Scheme — Amendment C86.

Monash Planning Scheme — Amendment C108.

Moonee Valley Planning Scheme — Amendment C109.

Moreland Planning Scheme — Amendment C83.

Murrindindi Planning Scheme — Amendment C32.

Port Phillip Planning Scheme — Amendments C88 and C93.

Stonnington Planning Scheme — Amendments C128 and C141.

Towong Planning Scheme — Amendment C27.

Warrnambool Planning Scheme — Amendment C70.

Wellington Planning Scheme — Amendment C76.

Whitehorse Planning Scheme — Amendments C108, C140, C148, C150 and C151.

Wodonga Planning Scheme — Amendments C78, C82 Part 1 and C104.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 36.

Criminal Organisations Control Act 2012 — No. 34.

Magistrates' Court Act 1989 — No. 35.

Prevention of Cruelty to Animals Act 1986 — No. 37.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 32 to 37.

Legislative Instruments and related documents under section 16B in respect of —

An Order of Exemption for certain Guide dog organisations from the requirements of a domestic animal business of 19 March 2013 made under section 5 of the Domestic Animals Act 1994.

A Revocation of Codes of Practice of 9 April 2013 made under section 7(1) of the Prevention of Cruelty to Animals Act 1986.

Orders made under section 3.1.11 of the Education and Training Reform Act 2006 for the —

Constitution of the Advance TAFE Order 2013.

Constitution of the Bendigo TAFE Order 2013.

Constitution of the Box Hill Institute and the Centre for Adult Education Order 2013.

Constitution of the Central Gippsland Institute of Technical and Further Education Order 2013.

Constitution of the Chisholm Institute Order 2013.

Constitution of the Gordon Institute of Technical and Further Education Order 2013.

Constitution of the Goulburn Ovens Institute of Technical and Further Education Order 2013.

Constitution of the Holmesglen Institute Order 2013.

Constitution of the Kangan Institute Order 2013.

Constitution of the Northern Institute of Technical and Further Education Order 2013.

Constitution of the South West Institute of Technical and Further Education Order 2013.

Constitution of the Sunraysia Institute of Technical and Further Education Order 2013.

Constitution of the William Angliss Institute of Technical and Further Education Order 2013.

Constitution of the Wodonga Institute of Technical and Further Education Order 2013.

Transport Integration Act 2010 — Public Transport Performance Report for the period 1 July to 31 December 2012, pursuant to section 79W of the Act.

Wildlife Act 1975 — Wildlife (Prohibition on Game Hunting) Notices —

No. 1/2013, 14 March 2013.

No. 2/2013, 28 March 2013.

No. 3/2013, 28 March 2013.

## **8 PRODUCTION OF DOCUMENTS —**

**NETWORK REVENUE PROTECTION PLAN 2013** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 1 April 2013, in response to the Resolution of the Council of 6 March 2013 seeking the production of documents relating to the Department of Transport's Network Revenue Protection Plan for the 2012-13 financial year —

- advising that the Government is in the process of responding to this Resolution; and
- indicating that the Government will not be able to respond to the Council's Resolution within the time period requested by the Council but will endeavour to respond as soon as possible.

**POTENTIALLY CONTAMINATED LAND ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter from the Minister for Planning, dated 15 April 2013, together with certain documents relating to the Potentially Contaminated Land Advisory Committee Report, in accordance with the Resolution of the Council of 20 February 2013.

\* \* \* \* \*

**URBAN GROWTH BOUNDARY ANOMALIES ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter from the Minister for Planning, dated 15 April 2013, together with certain documents relating to the Urban Growth Boundary Anomalies Advisory Committee Report, in accordance with the Resolution of the Council of 20 February 2013.

**9 ENVIRONMENT AND PLANNING STANDING COMMITTEES** —

Mr D.M. Davis moved, by leave, That Mrs Peulich be discharged from the Environment and Planning Legislation Committee and the Environment and Planning References Committee and that Mr Dalla-Riva be appointed in her place.

Question — put and agreed to.

\* \* \* \* \*

Mr D.M. Davis moved, by leave, That Mrs Peulich be a participating member of the Environment and Planning Legislation and References Committees.

Question — put and agreed to.

**10 BUSINESS OF THE COUNCIL** — Mr Jennings moved, by leave, That precedence be given to the following General Business on Wednesday, 17 April 2013:

- (1) Order of the Day No. 28, motion to take note of an answer given by the Minister for Planning to a question without notice relating to Baw Baw Planning Scheme Amendment C96;
- (2) Notice of Motion No. 547 standing in the name of Mr Tee to introduce the Residential Tenancies Amendment (Rooming House Standards) Bill 2013;
- (3) the Notice of Motion given this day by Mr Tee relating to the funding of outstanding election commitments in the 2013-14 State budget;
- (4) Notice of Motion No. 528 standing in the name of Ms Hartland referring the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 to the Economy and Infrastructure Legislation Committee;
- (5) Order of the Day No. 27, resumption of debate on motion relating to the production of certain documents in relation to the East-West Link Project; and
- (6) Order of the Day No. 25, motion to take note of the Victorian Climate Change Adaptation Plan.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**13 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012** — 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 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.

**14 ALPINE RESORTS AND NATIONAL PARKS ACTS AMENDMENT BILL 2013** — 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, 33

Mr Atkinson

Ms Broad

Mrs Coote

Ms Crozier

Mr Dalla-Riva (*Teller*)

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Ms Lovell

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Petrovich

Mrs Peulich

Ms Pulford (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Mr Viney

NOES, 3

Mr Barber

Ms Hartland (*Teller*)

Ms Pennicuik (*Teller*)

Question 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.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**16 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Tee were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Barber —*

- 17 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.  
And then the Council, at 10.29 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 118 — Wednesday, 17 April 2013

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 39 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.  
Ordered to lie on the Table.
- 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 Reports on —  
Consumer Protection, April 2013.  
Managing Traffic Congestion, April 2013.  
Public Asset Valuation, April 2013.  
Parliamentary Committees Act 2003 — Government Response to the Family and Community Development Committee's Report on Workforce Participation by People with Mental Illness.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **BAW BAW PLANNING SCHEME AMENDMENT C96** — Mr Viney moved, That the Council take note of the answer given by the Minister for Planning to a question without notice asked in this House on 21 March 2013.  
Debate ensued.  
Question — put and agreed to.
- 6 **RESIDENTIAL TENANCIES AMENDMENT (ROOMING HOUSE STANDARDS) BILL 2013** — Mr Tee, pursuant to notice, introduced *A Bill for an Act to amend the Residential Tenancies Act 1997 to ensure that rooming house owners cannot opt out of the rooming house standards established under the provisions of the Act and for other purposes*.  
On the motion of Mr Tee, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Tee laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Mr Tee moved, That the Bill be now read a second time.  
On the motion of Mrs Coote, the debate was adjourned for two weeks.
- 7 **ELECTION COMMITMENTS FUNDING** — Mr Tee moved, That this House calls on the Napthine Government to fund its outstanding election commitments when it delivers its 2013-14 State Budget.  
Debate ensued.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 9 ELECTION COMMITMENTS FUNDING** — Debate continued on the question, That this House calls on the Napthine Government to fund its outstanding election commitments when it delivers its 2013-14 State Budget.

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

- 10 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011** — Ms Hartland moved, That the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011, as introduced into this House by myself and ruled out of order by the President on 20 February 2013 for infringing section 62 of the *Constitution Act 1975*, be referred to the Economy and Infrastructure Legislation Committee for consideration and report by 12 June 2013 on measures aimed at addressing any Constitutional impediment to the Bill's introduction into the Legislative Council.

Debate ensued.

Question — put and agreed to.

- 11 PRODUCTION OF DOCUMENTS — EAST-WEST LINK** — Debate resumed on the question, That this House requires the Leader of the Government to table in the Legislative Council on Tuesday, 16 April 2013, a copy of —

- (1) all documents relating to the "Route alignments peer reviewed and short listed" and "communications and engagement strategy finalised" referred to on page 3 of "East-West Link Reform and Investment Framework Stages 1 to 6, August 2012", which formed part of the East-West Link Submission to Infrastructure Australia;
- (2) the agenda, minutes, any attachments to the minutes and any presentations or materials tabled in relation to each meeting of the Department of Transport's East-West Steering Committee to date;
- (3) all documents (including invitees list, agenda, minutes where they exist and the Microsoft PowerPoint presentation used) relating to a briefing, held on 17 July 2012 at the Treasury Building, on the development of a business case for the East-West Link; and
- (4) all minutes and other documentation of meetings held with over 40 entities by the Minister for Roads and/or Department of Transport representatives relating to the proposed East-West Tunnel infrastructure project, which are referenced in the media release "East-West Link is declared under Major Transport Projects Act".

Ms Pennicuik moved, as an amendment, That "16 April 2013" be omitted with the view of inserting in its place "7 May 2013".

Debate ensued.

Question — That the amendment be agreed to — put and agreed to.

Question — That this House requires the Leader of the Government to table in the Legislative Council on Tuesday, 7 May 2013, a copy of —

- (1) all documents relating to the "Route alignments peer reviewed and short listed" and "communications and engagement strategy finalised" referred to on page 3 of "East-West Link Reform and Investment Framework Stages 1 to 6, August 2012", which formed part of the East-West Link Submission to Infrastructure Australia;
- (2) the agenda, minutes, any attachments to the minutes and any presentations or materials tabled in relation to each meeting of the Department of Transport's East-West Steering Committee to date;
- (3) all documents (including invitees list, agenda, minutes where they exist and the Microsoft PowerPoint presentation used) relating to a briefing, held on 17 July 2012 at the Treasury Building, on the development of a business case for the East-West Link; and
- (4) all minutes and other documentation of meetings held with over 40 entities by the Minister for Roads and/or Department of Transport representatives relating to the proposed East-West Tunnel infrastructure project, which are referenced in the media release "East-West Link is declared under Major Transport Projects Act".

— put and agreed to.

**12 ELECTION COMMITMENTS FUNDING** — Debate resumed on the question, That this House calls on the Napthine Government to fund its outstanding election commitments when it delivers its 2013-14 State Budget.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 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.

**15 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.  
Debate ensued.

And then the Council, at 6.35 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 119 — Thursday, 18 April 2013**

1 The President took the Chair and read the Prayer.

**2 ACCOUNTABILITY AND OVERSIGHT COMMITTEE** — The President read a letter from Mr O'Donohue resigning from the Accountability and Oversight Committee, effective from 18 April 2013.

**3 PAPERS** —

**AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2012 AND MCD UNIVERSITY OF DIVINITY REPORT, 2012** — Mr Hall moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2012 and the MCD University of Divinity Report, 2012.

Question — put and agreed to.

The reports were presented by Mr Hall and ordered to lie on the Table.

\* \* \* \* \*

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

Adult Multicultural Education Services — Report, 2012.

Bendigo Regional Institute of TAFE — Report, 2012.

Box Hill Institute of TAFE — Report, 2012.

Central Gippsland Institute of TAFE — Report, 2012.

Centre for Adult Education — Report, 2012.

Chisholm Institute of TAFE — Report, 2012.

Deakin University — Report, 2012.

Driver Education Centre of Australia Ltd — Report, 2012.

East Gippsland Institute of TAFE — Report, 2012.

Gordon Institute of TAFE — Report, 2012.

Goulburn Ovens Institute of TAFE — Report, 2012.

Holmesglen Institute of TAFE — Report, 2012.

Kangan Batman Institute of TAFE — Report, 2012.

La Trobe University — Report, 2012.

Monash University — Report, 2012.

Northern Melbourne Institute of TAFE — Report, 2012.

RMIT University — Report, 2012.

South West Institute of TAFE — Report, 2012.

Statutory Rule under the Victorian Civil and Administrative Tribunal Act 1998 — No. 38.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 38.

Sunraysia Institute of TAFE — Report, 2012.

Swinburne University of Technology — Report, 2012.

University of Ballarat — Report, 2012.

University of Melbourne — Report, 2012.

Victoria University — Report, 2012.

William Angliss Institute of TAFE — Report, 2012.

Wodonga Institute of TAFE — Report, 2012.

- 4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 7 May 2013.

Question — put and agreed to.

- 5 ACCOUNTABILITY AND OVERSIGHT COMMITTEE** — Mr D.M. Davis moved, by leave, That Mr O'Donohue be discharged from the Accountability and Oversight Committee and that Mr P.R. Davis be appointed in his place.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22, 205, 448, 479, 495, 524, 534 and 541 be postponed until later this day.

- 8 SUSTAINABILITY FORESTS (TIMBER) AMENDMENT BILL 2013** — Mr Hall, pursuant to notice, introduced *A Bill for an Act to amend the Sustainable Forests (Timber) Act 2004 and the Traditional Owner Settlement Act 2010 and for other purposes.*

On the motion of Mr Hall, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion, by leave, of Mr Hall, the second reading speech, was incorporated into Hansard.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for two weeks.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 555 and 557, be postponed until later this day.

- 10 RAIL SAFETY NATIONAL LAW APPLICATION BILL 2013 AND TRANSPORT LEGISLATION AMENDMENT (RAIL SAFETY LOCAL OPERATIONS AND OTHER MATTERS) BILL 2013** — The concurrent debate resumed on the questions, That these Bills be now read a second time.

Question — That the Rail Safety National Law Application Bill 2013 be now read a second time — 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.

Question — That the Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013 be now 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.

- 11 COMPANY TITLES (HOME UNITS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 13 COMPANY TITLES (HOME UNITS) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.  
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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.  
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 14 CRIMES AMENDMENT (INTEGRITY IN SPORTS) BILL 2013** — 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.
- 15 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
Question — put and agreed to.  
Bill to be committed to a Committee of the whole later this day.
- 16 ADOPTION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Adoption Act 1984 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Guy (for Ms Lovell), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Guy, the second reading speech was incorporated into Hansard.  
Mr Guy moved, That the Bill be now read a second time.  
On the motion of Mr Tee (for Ms Mikakos), the debate was adjourned for two weeks.
- 17 CORRECTIONS FURTHER AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 to validate certain actions and decisions and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Guy, the second reading speech was incorporated into Hansard.  
Mr Guy moved, That the Bill be now read a second time.  
On the motion of Mr Tee, the debate was adjourned for two weeks.
- 18 GAMBLING REGULATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Ms Pulford), the debate was adjourned for two weeks.

- 19 INTEGRITY LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011 to provide for pension entitlements, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr Rich-Phillips), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Tee, the debate was adjourned for two weeks.

- 20 PARLIAMENTARY COMMITTEES AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Committees Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Viney, the debate was adjourned for two weeks.

- 21 WATER LEGISLATION AMENDMENT BILL 2012** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 22 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013** — 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.

- 23 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.05 p.m., adjourned until Tuesday, 7 May 2013.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 117, 118 and 119

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Tuesday, 16 April 2013

### 1 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2013

**Clauses 1 to 10** — put and agreed to.

**Clause 11** — Ms Hartland moved —

Clause 11, lines 10 and 11, omit "the chairperson or a single member" and insert "2 members".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Pennicuik (*Teller*)  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips (*Teller*)

Amendment negatived.

Clause 11 put and agreed to.

**Clauses 12 to 16** — put and agreed to.

**Bill reported without amendment.**

### 2 ALPINE RESORTS AND NATIONAL PARKS ACTS AMENDMENT BILL 2013

**Clauses 1 to 7** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 18 April 2013

### 1 TRANSPORT LEGISLATION AMENDMENT (RAIL SAFETY LOCAL OPERATIONS AND OTHER MATTERS) BILL 2013

Clauses 1 to 129 — put and agreed to.

Bill reported without amendment.

### 2 COMPANY TITLES (HOME UNITS) BILL 2013

Clauses 1 to 21 — put and agreed to.

Schedule — put and agreed to.

Bill reported without amendment.

### 3 PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013

Clauses 1 to 7 — put and agreed to.

Clause 8 — Mr Tee moved —

1. Clause 8, lines 6 to 8, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13	NOES, 16
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Elasmarr	Ms Crozier
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum ( <i>Teller</i> )
Ms Pulford ( <i>Teller</i> )	Mr Guy
Mr Scheffer	Mr Hall
Mr Somyurek	Mr Koch
Mr Tarlamis	Mrs Kronberg
Mr Tee	Ms Lovell
Ms Tierney	Mr O'Brien ( <i>Teller</i> )
Mr Viney	Mr Ondarchie
	Mrs Petrovich
	Mrs Peulich
	Mr Rich-Phillips

Amendment negatived.

Question — That clause 8 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 13
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Mr Elasmarr ( <i>Teller</i> )
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Mr Leane

Mr Drum

Mr Guy

Mr Hall

Mr Koch (*Teller*)

Mrs Kronberg

Ms Lovell

Mr O'Brien

Mr Ondarchie

Mrs Petrovich

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Question agreed to.

Mr Lenders

Ms Pulford

Mr Scheffer (*Teller*)

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Mr Viney

**Clauses 9 to 23** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 120, 121 and 122

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#### No. 120 — Tuesday, 7 May 2013

- 1 The President took the Chair and read the Prayer.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 23 April 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Alpine Resorts and National Parks Acts Amendment Act 2013*
    - Assisted Reproductive Treatment Amendment 2013*
    - Company Titles (Home Units) Act 2013*
    - Crimes Amendment (Integrity in Sports) Act 2013*
    - Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Act 2013*
    - Rail Safety National Law Application Act 2013*
    - Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Act 2013*
    - Water Legislation Amendment Act 2013.*
  - 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**HOSPITAL BED NUMBERS** — Mr D.M. Davis having given an answer to a question without notice relating to hospital bed numbers —  
On the motion of Mr Jennings, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
  - 4 **PETITION — EASTERN FREEWAY TOLLS** — Mr Leane presented a Petition bearing 52 signatures from certain citizens of Victoria requesting that the Government guarantee no tolls will be applied to the Eastern Freeway.  
Ordered to lie on the Table.
  - 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 6 of 2013 (including Appendices), from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Anti-Cancer Council of Victoria — Report, 2012.

Crown Land (Reserves) Act 1978 — Minister's Order of 15 March 2013 giving approval to the granting of a lease at Euroa Public Park Reserve.

Planning and Environment Act 1987 —

Amendment 120 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendments C151, C157 and C161.

Baw Baw Planning Scheme — Amendment C99.

Boroondara Planning Scheme — Amendments C167 and C171.

Campaspe Planning Scheme — Amendment C97.

Cardinia Planning Scheme — Amendments C167 and C182.

Darebin Planning Scheme — Amendments C126 and C129.

East Gippsland Planning Scheme — Amendment C107.

Frankston Planning Scheme — Amendments C90 and C92.

Greater Bendigo Planning Scheme — Amendment C162 Part 1.

Greater Dandenong Planning Scheme — Amendment C150.

Hume Planning Scheme — Amendments C137, C157 and C167.

Knox Planning Scheme — Amendment C127.

Latrobe Planning Scheme — Amendment C75.

Maroondah Planning Scheme — Amendment C74.

Melbourne Planning Scheme — Amendments C205 and C216.

Mildura Planning Scheme — Amendment C51.

Mitchell Planning Scheme — Amendment C88.

Monash Planning Scheme — Amendment C118.

Moonee Valley Planning Scheme — Amendment C112.

Mornington Peninsula Planning Scheme — Amendments C163 Part 1 and C165.

Queenscliffe Planning Scheme — Amendment C23.

South Gippsland Planning Scheme — Amendment C50.

Victoria Planning Provisions — Amendment VC95.

Warrnambool Planning Scheme — Amendment C68.

Whittlesea Planning Scheme — Amendments C163 and C173.

Statutory Rules under the following Acts of Parliament:

Bail Act 1977 — No. 39.

Evidence Act 2008 — No. 46.

Family Violence Protection Act 2008 — No. 40.

Planning and Environment Act 1987 — No. 42.

Retail Leases Act 2003 — No. 41.

Road Safety Act 1986 — No. 44.

Subdivision Act 1988 — No. 43.

Supreme Court Act 1986 — No. 48.

Tobacco Act 1987 — No. 47.

Victorian Civil and Administrative Tribunal Act 1998 — No. 45.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 39 to 44, 47 and 48.

Legislative Instruments and related documents under section 16B in respect of —

Commercial Guidelines for TAFE Institutions made under the Education and Training Reform Act 2006.

Cost Recovery Fee for Participants in the Safe Driving Program made under section 84BV(1) of the Road Safety Act 1986.

Revocation and Declaration of part of a port that has been declared a commercial trading port to be a local port made under section 6G of the Port Management Act 1995.

Strategic Planning Guidelines for TAFE Institutions made under the Education and Training Reform Act 2006.

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

Corrections Amendment Act 2013 — except sections 4(2), 5 to 7, 20, 21 and 36(2) — 30 April 2013 (*Gazette No. S141, 16 April 2013*).

Courts Legislation Amendment (Reserve Judicial Officers) Act 2013 — Sections 62 to 64 — 17 April 2013 (*Gazette No. S141, 16 April 2013*).

Education and Care Services National Law Act 2010 — Remaining provisions of the Education and Care Services National Law set out in the Schedule of the Act — 1 May 2013 (*Gazette No. S156, 23 April 2013*).

Education and Training Reform Amendment (Skills) Act 2010 — Section 55(3) — 17 April 2013 (*Gazette No. S141, 16 April 2013*).

Education and Training Reform Amendment (Teacher Registration and Other Matters) Act 2013 — Remaining provisions — 1 May 2013 (*Gazette No. S163, 30 April 2013*).

Energy Legislation Amendment (Flexible Pricing and Other Matters) Act 2013 — 18 April 2013 (*Gazette No. S141, 16 April 2013*).

Justice Legislation Amendment (Cancellation of Parole and Other Matters) Act 2013 — Remaining provisions — 20 May 2013 (*Gazette No. S141, 16 April 2013*).

Justice Legislation Amendment (Family Violence and Other Matters) Act 2012 — Sections 5 to 12 and 31 — 17 April 2013 (*Gazette No. S141, 16 April 2013*); remaining provisions — 15 May 2013 (*Gazette No. S156, 23 April 2013*).

Residential Tenancies Amendment Act 2012 — Remaining provisions — 1 May 2013 (*Gazette No. S163, 30 April 2013*).

Sentencing Amendment (Community Correction Reform) Act 2011 — sections 55, 58, 59 and 70 — 1 May 2013; sections 56, 57, 60 and 69 — 30 June 2013 (*Gazette No. S156, 23 April 2013*).

## 6 PRODUCTION OF DOCUMENTS —

**V/LINE ROLLING STOCK PROCUREMENT PLAN** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 22 April 2013, together with the Draft V/Line 2012 Regional Rolling Stock 30 Year Strategy Outlines, February 2012 and October 2012, in accordance with the Resolution of the Council of 6 February 2013.

\* \* \* \* \*

**NETWORK REVENUE PROTECTION PLAN** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 7 May 2013, together with the Department of Transport's Network Revenue Protection Plan 2013, in accordance with the Resolution of the Council of 6 March 2013.

On the motion of Ms Pennicuik, the Plan and the Minister's letter were ordered to be taken into consideration on the next day of meeting.

## 7 BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 8 May 2013:

- (1) Order of the Day No. 6, resumption of debate on the second reading of the Residential Tenancies Act (Rooming House Standards) Amendment Bill 2013;
- (2) Notice of Motion No. 559 standing in the name of Mr Barber to revoke Amendment C194 to the Melbourne Planning Scheme;
- (3) Notice of Motion No. 544 standing in the name of Ms Hartland referring the Auditor-General's Report on Management of Unplanned Leave in Emergency Services to the Public Accounts and Estimates Committee;
- (4) Notice of Motion No. 503 standing in the name of Ms Pennicuik relating to the production of certain documents in relation to community correction orders;
- (5) Notice of Motion No. 550 standing in the name of Mr Viney relating to the production of certain documents in relation to flooding in the lands between the Princes Freeway and Wallace Street, Morwell; and
- (6) the Notice of Motion given this day by Mr Lenders relating to the Gonski educational reforms.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 10 SUSTAINABLE FORESTS (TIMBER) AMENDMENT BILL 2013** — 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, 33

Mr Atkinson  
 Ms Broad (*Teller*)  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

Bill read a second time.

Mr Lenders moved, That the Sustainable Forests (Timber) Amendment Bill 2013 be referred to the Economy and Infrastructure Legislation Committee for consideration and report by 11 June 2013 on the impact of measures in the Bill and its timelines, and specifically requires the Committee to —

- (1) take account of the Auditor-General's inquiry into Managing Victoria's Timber Resources; and
- (2) call as a witness the —
  - (a) Victorian State Coroner in relation to previous inquiries by the Coroner's Court into relevant deaths;

- (b) Auditor-General in relation to his inquiry, *Managing Victoria's Timber Resources*, and the extent to which the operations, management and functions of VicForests are applicable to the inquiry;
- (c) Environment Defenders Office regarding their concerns with governance processes;
- (d) Secretary of the Department of Environment and Primary Industries;
- (e) Construction, Forestry, Mining and Energy Union regarding Timber Harvesting Operators Licences;
- (f) Victorian Association of Forest Industries regarding Timber Harvesting Operators Licences; and
- (g) Chair of the Board of VicForests.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 18
Mr Atkinson	Mrs Coote
Mr Barber	Ms Crozier
Ms Broad	Mr Dalla-Riva ( <i>Teller</i> )
Ms Darveniza	Mr D.M. Davis
Mr Eideh	Mr P.R. Davis
Mr Elasmarr ( <i>Teller</i> )	Mr Elsbury ( <i>Teller</i> )
Mr Jennings	Mr Finn
Ms Hartland ( <i>Teller</i> )	Mr Guy
Mr Leane	Mr Hall
Mr Lenders	Mr Koch
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mr O'Brien
Ms Pulford	Mr O'Donohue
Mr Somyurek	Mr Ondarchie
Mr Tarlamis	Mrs Petrovich
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
Mr Viney	Mr Rich-Phillips

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

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Hall 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, 19	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Elsbury	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Somyurek

Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

Mr Tarlami (*Teller*)  
 Mr Tee  
 Ms Tierney (*Teller*)  
 Mr Viney

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 11 JOINT SITTING — CASUAL COUNCIL VACANCY** — Mr D.M. Davis moved, by leave, That this House meets the Legislative Assembly 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 Martin Phillip Pakula and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 8 May 2013 at 6.15 p.m.

Question — put and agreed to.

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

- 12 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted on Wednesday, 8 May 2013 —

- (1) Messages;
- (2) Formal Business;
- (3) Members' Statements (up to 15 Members);
- (4) General Business;
- (5) At 12 noon Questions without notice;
- (6) Answers to Questions on notice;
- (7) General Business (continues);
- (8) At 4.30 p.m. Statements on reports and papers; and
- (9) At 5.30 p.m. Adjournment (up to 20 Members).

Debate ensued.

Question — put and agreed to.

- 13 BUDGET PAPERS, 2013-14** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the following —

- (1) In accordance with section 27E of the *Financial Management Act 1994* —
  - (a) Strategy and Outlook (Budget Paper No. 2);
  - (b) Service Delivery (Budget Paper No. 3); and
  - (c) Statement of Finances (Budget Paper No. 5);
- (2) Treasurer's Speech (Budget Paper No. 1);
- (3) State Capital Program (Budget Paper No. 4);
- (4) 2013-14 Budget Overview;
- (5) Regional and Rural Victoria (Budget Information Paper No. 1);
- (6) Infrastructure Investment (Budget Information Paper No. 2); and
- (7) Federal Financial Relations (Budget Information Paper No. 3).

Question — put and agreed to.

The papers were presented by Mr Rich-Phillips and ordered to lie on the Table.

Mr Rich-Phillips moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

- 14 CARDINIA PLANNING SCHEME AMENDMENT C176** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendment C176 be ratified.

Debate ensued.

Question — put and agreed to.

- 15 ADOPTION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Adoption Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 11 June 2013.

Debate ensued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

Mr D.M. Davis moved that the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

NOES, 17

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad (*Teller*)

Ms Crozier

Ms Darveniza

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmar

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Mikakos

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg (*Teller*)

Mr Somyurek (*Teller*)

Ms Lovell

Mr Tarlamis

Mr O'Brien (*Teller*)

Mr Tee

Mr O'Donohue

Ms Tierney

Mr Ondarchie

Mr Viney

Mrs Petrovich

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

Debate continued on the question, That the Adoption Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 11 June 2013.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza

Ms Crozier (*Teller*)

Mr Eideh

Mr Dalla-Riva

Mr Elasmar

Mr D.M. Davis

Mr Jennings	Mr P.R. Davis ( <i>Teller</i> )
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Mikakos ( <i>Teller</i> )	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Somyurek	Mrs Kronberg
Mr Tarlamis	Ms Lovell
Mr Tee ( <i>Teller</i> )	Mr O'Brien
Ms Tierney	Mr O'Donohue
Mr Viney	Mr Ondarchie
	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negated.

Bill committed to a Committee of the whole.

House in Committee.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 8 MAY 2013

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 JOINT SITTING — CASUAL COUNCIL VACANCY** — The Acting President announced the receipt of a Message from the Assembly informing the Council that they had agreed to meet the Council to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Martin Pakula and, as proposed by the Council, that the place and time of the Joint Sitting be the Legislative Assembly Chamber tomorrow at 6.15 p.m.

**17 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 2.22 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 121 — Wednesday, 8 May 2013

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**COMMUNITY VISITORS REPORT** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Annual Report, 2011-12.

Question — put and agreed to.

The Response was presented by Ms Lovell and ordered to lie on the Table.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — FINANCIAL AND PERFORMANCE OUTCOMES, 2011-12** — Mr O'Brien presented a Report from the Public Accounts and Estimates Committee on the 2011-12 Financial and Performance Outcomes (including Appendices).

Ordered to lie on the Table and the Report to be printed.

Mr O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Auditor-General's Report on Planning, Delivery and Benefits Realisation of Major Asset Investment: The Gateway Review Process, May 2013.

**3 LEGAL AND SOCIAL ISSUES STANDING COMMITTEE** — Mr D.M. Davis moved, by leave, That Mr O'Donohue be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Mrs Peulich be appointed in his place.

Question — put and agreed to.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 RESIDENTIAL TENANCIES AMENDMENT (ROOMING HOUSE STANDARDS) BILL 2013** — 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, 18	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Mikakos	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich ( <i>Teller</i> )
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**6 MELBOURNE PLANNING SCHEME AMENDMENT C194** — Mr Barber moved, That Amendment C194 to the Melbourne Planning Scheme be revoked.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to an Order of the House on 7 May 2013 —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**APPRENTICE TRADE BONUS SCHEME** — Mr Hall having given an answer to a question without notice relating to the Apprentice Trade Bonus Scheme —

On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**CORRECTIONS SYSTEM INVESTMENT** — Mr O'Donohue having given an answer to a question without notice relating to corrections system investment —

On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**8 MELBOURNE PLANNING SCHEME AMENDMENT C194** — Debate continued on the question, That Amendment C194 to the Melbourne Planning Scheme be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 2

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich (*Teller*)  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

**9 MANAGEMENT OF UNPLANNED LEAVE IN EMERGENCY SERVICES** — Ms Hartland moved, That this House requires the Public Accounts and Estimates Committee to inquire into, consider and report no later than 11 June 2013 on the Auditor-General's Report on

Management of Unplanned Leave in Emergency Services, March 2013 tabled in this House on 6 March 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Guy
Ms Mikakos ( <i>Teller</i> )	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer ( <i>Teller</i> )	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 503, be postponed until later this day.

**11 PRODUCTION OF DOCUMENTS — MORWELL, WALLACE STREET DRAINAGE WORKS** — Leave having been granted for Mr Viney to move his motion in an amended form, Mr Viney moved, That this House requires the Leader of the Government to table in the Legislative Council —

- (1) on Tuesday, 25 June 2013, a copy of the independent site assessment updates referred to in the former Premier's response to the Adjournment matter raised on 14 November 2012 regarding flooding in the lands between the Princes Freeway and Wallace Street, Morwell, tabled in the Legislative Council on 19 March 2013;
- (2) any brief from VicRoads to the consultants engaged to assess the relevant site, or any correspondence detailing the scope or expectations of the investigation;
- (3) the original report of investigations into this site undertaken by GHD for VicRoads on 24 March 2011, including the brief or other documents that detailed the requirements of that investigation; and
- (4) any correspondence or briefs between VicRoads, the Minister for Transport or his office, the Premier or his office and the Member for Morwell about this site in relation to flooding, or the requests for action that were raised in Adjournment debates by the Member for Eastern Victoria Region, Mr Matt Viney, MLC, on 14 August and 14 November 2012.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to an Order of the House on 7 May 2013 —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.39 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 122 — Thursday, 9 May 2013

1 The President took the Chair and read the Prayer.

2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 8 May 2013 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Martin Philip Pakula and that Mr Cesar Melhem was elected to hold the vacant place in the Legislative Council.

3 **NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mr Cesar Melhem, having been introduced, approached the Table and took and subscribed the Oath required by law.

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

Coroners Court of Victoria — Report, 2011-12.

Ombudsman — Report on the Investigation into allegations of improper conduct by a Magistrates' Court registrar, May 2013.

Statutory Rules under the following Acts of Parliament:

Children, Youth and Families Act 2005 — No. 51.

Drugs, Poisons and Controlled Substances Act 1981 — No. 50.

Residential Tenancies Act 1997 — No. 49.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 49 and 51.

5 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 28 May 2013.

Question — put and agreed to.

6 **ECONOMY AND INFRASTRUCTURE STANDING COMMITTEE** — Mr Lenders moved, by leave, That Mr Somyurek be discharged from the Economy and Infrastructure Legislation Committee and the Economy and Infrastructure References Committee and that Mr Melhem be appointed in his place.

Question — put and agreed to.

7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

9 **PARLIAMENTARY COMMITTEES AMENDMENT BILL 2013** — 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, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis

NOES, 18

Mr Barber  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Jennings

Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Melhem
Mr Guy	Ms Mikakos
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mr Ondarchie ( <i>Teller</i> )	Ms Tierney
Mrs Petrovich	Mr Viney
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Parliamentary Committees Amendment Bill 2013 be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report by 25 June 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Hartland ( <i>Teller</i> )	Mr P.R. Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury ( <i>Teller</i> )
Mr Melhem	Mr Finn
Ms Mikakos	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Petrovich ( <i>Teller</i> )
	Mrs Peulich
	Mr Ramsay

Question negatived.

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

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

**10 INTEGRITY LEGISLATION AMENDMENT BILL 2013** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 11 GAMBLING REGULATION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**AMBULANCE RESPONSE TIMES** — Mr D.M. Davis having given answers to a question without notice and a supplementary question relating to ambulance response times —

On the motion of Mr Viney, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 13 GAMBLING REGULATION AMENDMENT BILL 2013** — Debate continued 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.

- 14 CORRECTIONS FURTHER AMENDMENT BILL 2013** — 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.

- 15 HEAVY VEHICLE NATIONAL LAW APPLICATION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the application of a National Law to regulate the use of heavy vehicles, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

- 16 SENTENCING AMENDMENT (ABOLITION OF SUSPENDED SENTENCES AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Infringements Act 2006, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Sentencing Amendment (Community Correction Reform) Act 2011, the Serious Sex Offenders (Detention and Supervision) Act 2009, the Sex Offenders Registration Act 2004, the Sheriff Act 2009, the Summary Offences Act 1966 and the Surveillance Devices Act 1999 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

**17 JUSTICE LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Administration and Probate Act 1958, the Crown Land (Reserves) Act 1978, the Electoral Act 2002, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Coroners Act 2008 and the Victorian Institute of Forensic Medicine Act 1985 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tarlamis), the debate was adjourned for one week.

**18 ABORIGINAL LANDS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Aboriginal Lands Act 1970 to make further provision for the administration of the Framlingham Aboriginal Trust and the Lake Tyers Aboriginal Trust, to broaden the functions of those Trusts and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**19 PRODUCTION OF DOCUMENTS — EAST-WEST LINK** — The Clerk laid on the Table a letter from the Minister for Public Transport, dated 7 May 2013, in response to the Resolution of the Council of 17 April 2013 seeking the production of documents relating to the East-West Link, advising that the Government will not be able to respond to the Resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

On the motion of Ms Pennicuik, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

**20 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.53 p.m., adjourned until Tuesday, 28 May 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 120, 121 and 122

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Tuesday, 7 May 2013

### 1 SUSTAINABLE FORESTS (TIMBER) AMENDMENT BILL 2013

**Clause 1** — Mr Lenders moved —

1. Clause 1, line 7, omit "resources;" and insert "resources; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mrs Petrovich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**New Clause to follow Clause 5** — Mr Lenders moved —

5. Insert the following New Clause to follow clause 5—

**'A Section 13 amended**

At the end of section 13 of the **Sustainable Forests (Timber) Act 2004** insert—

- "(2) An order under subsection (1) that allocates timber to VicForests for a period of 15 years or more may be disallowed in whole or in part by either House of Parliament.
- (3) Parts 3A and 5A of the **Subordinate Legislation Act 1994** apply to an order under subsection (1) as if—
  - a reference in those Parts to a "legislative instrument" were a reference to an order under section 13(1) of the **Sustainable Forests (Timber) Act 2004** that allocates timber to VicForests for a period of 15 years or more; and
  - a reference in sections 16B and 25C of that Act to "section 16A" were a reference to section 13(1) of the **Sustainable Forests (Timber) Act 2004**."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney (*Teller*)  
 Mr Viney

## NOES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**Clauses 6 to 8** — put and agreed to.

**Clause 9** — Question — That Clause 9 stand part of the Bill — put.  
 The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

## NOES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clauses 10 to 40** — put and agreed to.

**Bill reported without amendment.**

**2 ADOPTION AMENDMENT BILL 2013**

**Clause 1** — Debate commenced.

*And having continued to sit after 12 midnight —*

WEDNESDAY, 8 MAY 2013

Ms Mikakos moved —

1. Clause 1, lines 8 to 10, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Barber  
 Ms Broad (*Teller*)  
 Mr Eideh  
 Mr Elasmar (*Teller*)  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved —

1. Clause 5, line 30, omit "An" and insert "Subject to subsection (4), an".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury (*Teller*)

Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Amendment negatived.

Ms Pennicuik moved —

3. Clause 5, page 4, line 12, omit "5" and insert "2".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich

Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)  
Mr Viney

Amendment negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 9** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 123, 124 and 125

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#### No. 123 — Tuesday, 28 May 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 15 May 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Adoption Amendment Act 2013*  
*Corrections Further Amendment Act 2013*  
*Gambling Regulation Amendment Act 2013*  
*Integrity Legislation Amendment Act 2013*  
*Parliamentary Committees Amendment Act 2013.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 4 **PETITIONS** —

**EASTERN FREEWAY TOLLS** — Mr Leane presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Government guarantee no tolls will be applied to the Eastern Freeway.

Ordered to lie on the Table.

\* \* \* \* \*

**DRYPAC CLOSURE, WARRAGUL** — Mr Leane (for Mr Viney) presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Government assist employees soon to be made retrenched due to the imminent closure of Drypac, Warragul, and their families.

Ordered to lie on the Table.

\* \* \* \* \*

**CRUELTY IN SLAUGHTERHOUSES** — Ms Darveniza presented a Petition bearing 1,435 signatures from certain citizens of Victoria requesting that the Government introduce legislation requiring CCTV cameras to be installed in slaughterhouses and their facilities to be independently and regularly audited.

Ordered to lie on the Table.

\* \* \* \* \*

**BATTERY CAGES BAN** — Ms Darveniza presented a Petition bearing 883 signatures from certain citizens of Victoria requesting that the Government introduce legislation that will ban the battery cage system of egg production.

Ordered to lie on the Table.

**SOW STALLS BAN** — Ms Darveniza presented a Petition bearing 821 signatures from certain citizens of Victoria requesting that the Government introduce bans on sow stalls to ensure the welfare needs of pregnant pigs.

Ordered to lie on the Table.

## 5 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 7 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Parliamentary Committees Act 2003 — Government Response to the Economic Development and Infrastructure Committee's Report on Greenfields Mineral Exploration and Project Development in Victoria.

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

Ballarat Planning Scheme — Amendments C141 and C156.

Bayside Planning Scheme — Amendments C100 and C102.

Campaspe Planning Scheme — Amendment C87.

Glen Eira Planning Scheme — Amendments C78 and C100 Part 1.

Greater Geelong Planning Scheme — Amendments C223, C253, C254, C275 and C287.

Greater Shepparton Planning Scheme — Amendment C160.

Hobsons Bay Planning Scheme — Amendment C77.

Horsham Planning Scheme — Amendment C55.

Knox Planning Scheme — Amendment C117.

Macedon Ranges Planning Scheme — Amendment C64.

Melbourne Planning Scheme — Amendment C211.

Mildura Planning Scheme — Amendment C67.

Mitchell Planning Scheme — Amendment C79.

Moira Planning Scheme — Amendment C56.

Nillumbik Planning Scheme — Amendment C63.

Port Phillip Planning Scheme — Amendment C89.

Strathbogie Planning Scheme — Amendment C28 Part 2.

West Wimmera Planning Scheme — Amendment C29.

Whitehorse Planning Scheme — Amendment C143.

Whittlesea Planning Scheme — Amendments C146 and C168.

Yarra Planning Scheme — Amendments C167 and C171.

Yarra Ranges Planning Scheme — Amendments C97, C103 Part 2 and C127.

Professional Standards Act 2003 — Instrument amending the Law Institute of Victoria Limited Scheme, 1 May 2013.

Statutory Rules under the following Acts of Parliament:

Assisted Reproductive Treatment Act 2008 — No. 52.

Transfer of Land Act 1958 — No. 54.

Victorian Civil and Administrative Tribunal Act 1998 — No. 53.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 45, 46, 50 and 52.

Legislative Instruments and related documents under section 16B in respect of —

Electronic Conveyancing Operating Requirements made under section 22 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Electronic Conveyancing Participation Rules made under section 23 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Declaration of discount factor made under section 19 of the Victorian Energy Efficiency Act 2007.

By-law No. 1/2013 Recreational Areas — Goulburn-Murray Rural Water Corporation made under the Water Act 1989.

\* \* \* \* \*

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

Assisted Reproductive Treatment Amendment Act 2013 — Remaining provisions — 28 May 2013 (Gazette No. S180, 21 May 2013).

Crimes Amendment (Gross Violence Offences) Act 2013 — 1 July 2013 (Gazette No. S180, 21 May 2013).

Major Sporting Events Amendment Act 2013 — 15 May 2013 (Gazette No. S175, 15 May 2013).

Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011 — Sections 112(3), 113, 114 and 121 — 26 May 2013 (Gazette No. S180, 21 May 2013).

\* \* \* \* \*

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ESTABLISHMENT AND EFFECTIVENESS OF REGISTERED ABORIGINAL PARTIES** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Environment and Natural Resources Committee's report on the Establishment and Effectiveness of Registered Aboriginal Parties.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 29 May 2013:

(1) the Notice of Motion given this day by Ms Tierney relating to the Victorian economy; and

(2) the Notice of Motion given this day by Mr Barber relating to the proposed East-West tollway.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 4, be postponed until later this day.

**9 BUDGET PAPERS, 2013-14** — Mr Hall moved, That the Council take note of the Budget Papers, 2013-14.

Debate ensued.

On the motion of Mr Rich-Phillips, the debate was adjourned until later this day.

**10 HEAVY VEHICLE NATIONAL LAW APPLICATION BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Ms Hartland moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until an evaluation of the Regulations for Mass, Dimension and Loading proposed in the Bill is undertaken."

Debate ensued.

Question — That the reasoned amendment moved by Ms Hartland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)

Ms Hartland

Ms Pennicuik (*Teller*)

NOES, 37

Mr Atkinson

Ms Broad

Mrs Coote

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney (*Teller*)

Amendment negatived.

Question — That the Bill be now 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.

**11 SENTENCING AMENDMENT (ABOLITION OF SUSPENDED SENTENCES AND OTHER MATTERS) BILL 2013** — 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 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.

**12 JUSTICE LEGISLATION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

**13 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.22 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 124 — Wednesday, 29 May 2013

1 The President took the Chair and read the Prayer.

2 **PETITION — EDUCATION FUNDING** — Mr Scheffer presented a Petition bearing 35 signatures from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the upcoming 2013-14 Victorian Budget.

Ordered to lie on the Table.

3 **PAPERS** —

**LAW REFORM COMMITTEE — SEXTING** — Mrs Petrovich presented a Report from the Law Reform Committee on Sexting (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Petrovich moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Auditor-General's Reports on —

Management of Staff Occupational Health and Safety in Schools, May 2013.

Tertiary Education and Other Entities: Results of the 2012 Audits, May 2013.

The State of Victoria's Children: Performance Reporting, May 2013.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **VICTORIAN ECONOMY** — Ms Tierney moved, That this House notes that over the last two and a half years the Government has failed to create an economic climate conducive to investment and job creation and that —

- (1) the Government has no target for jobs growth in manufacturing;
- (2) April unemployment figures revealed that 5,700 more people became unemployed and the unemployment rate rose from 5.7 per cent to 5.8 per cent, the highest of any mainland State;
- (3) youth unemployment in Victoria is now 21 per cent, the highest rate in Australia, yet budget assumptions do not include a projected figure for youth unemployment;
- (4) the Napthine Government has cut youth employment programs that work with vulnerable young people to help them find sustainable employment;
- (5) the Napthine Government is more focussed on creating the impression of activity on major infrastructure projects rather than actually commencing them and that —
  - (a) the budget allocated only \$10 million of the required \$9 billion for Melbourne Metro, the Government's number one public transport priority;

- (b) while the Government says they will deliver East-West at an estimated cost of \$6-8 billion, the budget allocates only \$294 million or 3.6 per cent of the estimated project cost;
- (c) integrated transport planning was cut by 35 per cent in the budget;
- (6) the Government's confirmation that the Regional Growth Fund contains only half the \$1 billion claimed and that recent machinery of Government changes are an admission of Government failure in regional development;
- (7) cuts to TAFE are already limiting training opportunities for young Victorians to attain the skills they need to secure a job; and
- (8) the Government still does not have a jobs plan.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**INTRALOT GAMING LICENCES** — Mr O'Donohue having given answers to a question without notice and a supplementary question relating to Intralot Gaming Licences —

On the motion of Ms Pulford, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 VICTORIAN ECONOMY** — Debate continued on the question, That this House notes that over the last two and a half years the Government has failed to create an economic climate conducive to investment and job creation and that —

- (1) the Government has no target for jobs growth in manufacturing;
- (2) April unemployment figures revealed that 5,700 more people became unemployed and the unemployment rate rose from 5.7 per cent to 5.8 per cent, the highest of any mainland State;
- (3) youth unemployment in Victoria is now 21 per cent, the highest rate in Australia, yet budget assumptions do not include a projected figure for youth unemployment;
- (4) the Napthine Government has cut youth employment programs that work with vulnerable young people to help them find sustainable employment;
- (5) the Napthine Government is more focussed on creating the impression of activity on major infrastructure projects rather than actually commencing them and that —
  - (a) the budget allocated only \$10 million of the required \$9 billion for Melbourne Metro, the Government's number one public transport priority;
  - (b) while the Government says they will deliver East-West at an estimated cost of \$6-8 billion, the budget allocates only \$294 million or 3.6 per cent of the estimated project cost;
  - (c) integrated transport planning was cut by 35 per cent in the budget;
- (6) the Government's confirmation that the Regional Growth Fund contains only half the \$1 billion claimed and that recent machinery of Government changes are an admission of Government failure in regional development;
- (7) cuts to TAFE are already limiting training opportunities for young Victorians to attain the skills they need to secure a job; and
- (8) the Government still does not have a jobs plan.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva

Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee ( <i>Teller</i> )	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

**8 EAST-WEST TOLLWAY** — Mr Barber moved, That this House —

- (1) opposes the Napthine Government's proposed East-West tollway, as it —
  - (a) lacks a robust economic case;
  - (b) will ruin the amenity of inner city neighbourhoods and destroy inner city parkland;
  - (c) brings more vehicles to inner city streets, worsening traffic congestion, air pollution and safety for pedestrians and cyclists; and
  - (d) will damage property values; and
- (2) supports alternative public transport projects which offer better transport benefits with fewer negatives than the East-West tollway.

Debate ensued.

Mr Tee moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refers to the Economy and Infrastructure References Committee for inquiry, consideration and report by 20 August 2013 the Napthine Government's proposed East-West tollway, and in particular —

- (1) the economic case for the tollway;
- (2) its impact on the amenity of inner city neighbourhoods and inner city parkland;
- (3) its impact on congestion, air pollution and safety for pedestrians and cyclists;
- (4) its impact on property values; and
- (5) whether alternative public transport projects may offer better transport benefits than the proposed tollway."

Debate ensued.

Question — That the amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 23
Ms Broad	Mr Atkinson
Ms Darveniza ( <i>Teller</i> )	Mr Barber ( <i>Teller</i> )
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Mr Leane	Mr P.R. Davis
Mr Lenders	Mr Drum
Mr Melhem ( <i>Teller</i> )	Mr Elsbury
Ms Mikakos	Mr Finn ( <i>Teller</i> )
Ms Pulford	Mr Guy
Mr Scheffer	Mr Hall

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Ms Hartland  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Ms Pennicuik  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**9 BUSINESS OF THE HOUSE** — Mr Barber moved, by leave, That Statements on Reports and Papers be deferred until after the completion of the division on his motion.

Question — put and agreed to.

Question — That this House —

- (1) opposes the Napthine Government's proposed East-West tollway, as it —
  - (a) lacks a robust economic case;
  - (b) will ruin the amenity of inner city neighbourhoods and destroy inner city parkland;
  - (c) brings more vehicles to inner city streets, worsening traffic congestion, air pollution and safety for pedestrians and cyclists; and
  - (d) will damage property values; and
- (2) supports alternative public transport projects which offer better transport benefits with fewer negatives than the East-West tollway.

— put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
 Ms Broad  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie

Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Question negatived.

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.50 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 125 — Thursday, 30 May 2013

1 The President took the Chair and read the Prayer.

2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of a Notice of Declared Area pursuant to section 18 of the Summary Offences Act 1966.

3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 11 June 2013.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

6 **JUSTICE LEGISLATION AMENDMENT BILL 2013** — Bill committed to a Committee of the whole.

The Committee reported that it had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

### AMENDMENT NO 1

Clause 1, page 2, line 16 after "absence" insert "and to amend the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010** to extend the trial period under the Act".

### AMENDMENT NO 2

Part heading preceding clause 6, line 2, after "1989" insert "**AND THE MAGISTRATES' COURT AMENDMENT (ASSESSMENT AND REFERRAL COURT LIST) ACT 2010**".

**AMENDMENT NO 3**

Insert the following New Clause to follow clause 6—

**'AA Amendment of Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010—trial period extended**

In the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010**—

- (a) in section 2(4), for "1 August 2013" substitute "1 August 2015";
- (b) in section 9 for "1 August 2014" substitute "1 August 2016".

**AMENDMENT NO 4**

Clause 10, page 11, line 15, omit "7 and 8" and insert "8 and 9".

**AMENDMENT NO 5**

Clause 10, page 11, line 34, omit "7 and 8" and insert "8 and 9".

**AMENDMENT NO 6**

Clause 10, page 12, line 13, omit "7 and 8" and insert "8 and 9".

**AMENDMENT NO 7**

Clause 10, page 12, line 23, omit "7" and insert "8".

**AMENDMENT NO 8**

Clause 10, page 13, line 19, omit "7" and insert "8".

**AMENDMENT NO 9**

Clause 10, page 13, line 36, omit "7" and insert "8".

**AMENDMENT NO 10**

Long title, after "1989" insert "and the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010**".

On the motion of Mr O'Donohue, the Council adopted the resolution from the Committee of the whole.

Bill returned to the Assembly with a Message suggesting that the Assembly amend the same as detailed in the foregoing resolution.

The Committee reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

- 7 BUDGET PAPERS, 2013-14** — Debate resumed on the question, That the Council take note of the Budget Papers, 2013-14.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 BUDGET PAPERS, 2013-14** — Debate continued on the question, That the Council take note of the Budget Papers, 2013-14.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned until later this day.

- 10 JUSTICE LEGISLATION AMENDMENT BILL 2013** — The Deputy President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Ordered — That the Message be referred to the Committee of the whole on the Bill.

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, including the amendments made by the Assembly on the suggestion of the Council, without amendment.

- 11 BUDGET PAPERS, 2013-14** — Debate resumed on the question, That the Council take note of the Budget Papers, 2013-14.  
On the motion of Mr Koch, the debate was adjourned until later this day.
- 12 ABORIGINAL LANDS AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pulford were circulated.  
Debate continued.  
Question — put and agreed to.  
Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.
- 13 BUDGET PAPERS, 2013-14** — Debate resumed on the question, That the Council take note of the Budget Papers, 2013-14.  
On the motion of Mrs Peulich, the debate was adjourned until later this day.
- 14 PARLIAMENTARY AND PUBLIC ADMINISTRATION LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004 and the Parliamentary Administration Act 2005, to consequentially amend the Constitution Act 1975 and the Parliamentary Committees Act 2003 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.
- 15 MARINE (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to adopt in Victoria a national approach to the regulation of marine safety in relation to domestic commercial vessels, to make consequential amendments to the Marine Safety Act 2010, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.
- 16 BUILDING AND PLANNING LEGISLATION AMENDMENT (GOVERNANCE AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 to establish the Victorian Building Authority, to improve generally the regulation of building practitioners and plumbers, to amend the Architects Act 1991 and other Acts, and to amend the Planning and Environment Amendment (General) Act 2013 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**17 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Energy Safe Victoria Act 2005, the Gas Safety Act 1997 and the Victorian Energy Efficiency Target Act 2007 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (Mr Scheffer), the debate was adjourned for one week.

**18 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 4.49 p.m., adjourned until Tuesday, 11 June 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 123, 124 and 125

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**Tuesday, 28 May 2013**

**1 HEAVY VEHICLE NATIONAL LAW APPLICATION BILL 2013**

**Clauses 1 to 61** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

**2 SENTENCING AMENDMENT (ABOLITION OF SUSPENDED SENTENCES AND OTHER MATTERS) BILL 2013**

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Question — That Clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Question agreed to.

**Clauses 7 and 8** — put and agreed to.

**Clause 9** — Question — That Clause 9 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 10 to 24** — put and agreed to.

**Clause 25** — Question — That Clause 25 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 26 to 66** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 30 May 2013**

## **1 JUSTICE LEGISLATION AMENDMENT BILL 2013**

**Clause 1** — Mr O'Donohue moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 1, page 2, line 16 after "absence" insert "and to amend the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010** to extend the trial period under the Act".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 2 to 5** — put and agreed to.

**Part Heading preceding Clause 6** — Mr O'Donohue moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

2. Part heading preceding clause 6, line 2, after "1989" insert "**AND THE MAGISTRATES' COURT AMENDMENT (ASSESSMENT AND REFERRAL COURT LIST) ACT 2010**".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

Consideration of Part Heading postponed.

**Clause 6** — put and agreed to.

**New Clause** — Mr O'Donohue moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

3. Insert the following New Clause to follow clause 6—

**'AA Amendment of Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010—trial period extended**

In the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010**—

- (a) in section 2(4), for "1 August 2013" **substitute** "1 August 2015";
- (b) in section 9 for "1 August 2014" **substitute** "1 August 2016".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

**Clauses 7 to 9** — put and agreed to.

**Clause 10** — Mr O'Donohue moved —

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

4. Clause 10, page 11, line 15, omit "7 and 8" and insert "8 and 9".
5. Clause 10, page 11, line 34, omit "7 and 8" and insert "8 and 9".
6. Clause 10, page 12, line 13, omit "7 and 8" and insert "8 and 9".
7. Clause 10, page 12, line 23, omit "7" and insert "8".
8. Clause 10, page 13, line 19, omit "7" and insert "8".
9. Clause 10, page 13, line 36, omit "7" and insert "8".

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put and agreed to.

Consideration of clause postponed.

**Clauses 11 to 21** — put and agreed to.

**Long Title** — Mr O'Donohue moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

10. Long title, after "1989" insert "and the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010**".

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put and agreed to.

**Progress reported.**

**2 JUSTICE LEGISLATION AMENDMENT BILL 2013**

*Progress having been reported earlier this day —*

**Postponed Clause 1** — put and agreed to.

**Postponed Part Heading preceding Clause 6** — put and agreed to.

**Postponed Clause 10** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 126, 127 and 128

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#### No. 126 — Tuesday, 11 June 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 4 June 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Heavy Vehicle National Law Application Act 2013*  
*Justice Legislation Amendment Act 2013*  
*Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**ELECTRONIC GAMING MACHINES** — Mr O'Donohue having given answers to a question without notice and a supplementary question relating to electronic gaming machines —  
On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 4 **PETITIONS** —  
**EASTERN FREEWAY TOLLS** — Mr Leane presented a Petition bearing 45 signatures from certain citizens of Victoria requesting that the Government guarantee no tolls will be applied to the Eastern Freeway.  
Ordered to lie on the Table.  

\* \* \* \* \*

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 193 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 8 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

**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 24 April 2013 giving approval to the granting of a lease at Yarra Bend Park Reserve.

Parliamentary Committees Act 2003 — Government Response to the Road Safety Committee's Report on Motorcycle Safety.

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

Ararat Planning Scheme — Amendment C17.

Banyule Planning Scheme — Amendment C77.

Bayside Planning Scheme — Amendments C98 and C122.

Benalla Planning Scheme — Amendment C27.

Boroondara Planning Scheme — Amendments C173, C174 and C179.

Cardinia Planning Scheme — Amendment C115.

Casey Planning Scheme — Amendments C155 and C175.

Corangamite Planning Scheme — Amendment C29.

Darebin Planning Scheme — Amendment C124.

Frankston Planning Scheme — Amendment C79.

Gannawarra Planning Scheme — Amendment C29.

Greater Bendigo Planning Scheme — Amendments C145 and C199.

Greater Dandenong Planning Scheme — Amendment C151.

Manningham Planning Scheme — Amendment C97.

Monash Planning Scheme — Amendment C93.

Nillumbik Planning Scheme — Amendment C77.

South Gippsland Planning Scheme — Amendment C76.

Strathbogie Planning Scheme — Amendments C59 and C62.

Wellington Planning Scheme — Amendments C71 and C77.

Whittlesea Planning Scheme — Amendment C169.

Wyndham Planning Scheme — Amendment C164.

Yarra Ranges Planning Scheme — Amendment C109 Part 1.

Statutory Rules under the following Acts of Parliament:

Building and Construction Industry Security of Payment Act 2002 — No. 56.

Conservation, Forests and Lands Act 1987 — No. 55.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 53 to 56.

Legislative Instruments and related documents under section 16B in respect of —

Determination of Levy Rates of 22 May 2013 made under section 12 of the Fire Services Property Levy Act 2012.

Declaration of 28 May 2013 Prohibiting Differential Rates Inconsistent with Ministerial Guidelines (all Councils) made under section 161(4) the Local Government Act 1989.

Declaration of 28 May 2013 Prohibiting Differential Rates Inconsistent with Ministerial Guidelines (Monash City Council) made under section 161(4) the Local Government Act 1989.

Declaration of 28 May 2013 Prohibiting Differential Rates Inconsistent with Ministerial Guidelines (Moonee Valley City Council) made under section 161(4) the Local Government Act 1989.

Harness Racing Victoria – Adoption of amendments of 8 May 2013 in relation to Victorian Local Rules of harness racing made under the Racing Act 1958.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 12 June 2013:

- (1) the Notice of Motion given this day by Mr Jennings to introduce the Assisted Reproductive Treatment Amendment (Access by Donor-Conceived People to Information about Donors) Bill 2013;

- (2) the Notice of Motion given this day by Mr Jennings relating to Ambulance Victoria;
- (3) Order of the Day No. 20, relating to the production of certain documents in relation to flooding in the lands between the Princes Freeway and Wallace Street, Morwell;
- (4) Order of the Day No. 5, resumption of debate on the second reading of the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012; and
- (5) the Notice of Motion given this day by Mr Barber relating to the production of documents in relation to the East-West Link.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 4, be postponed until later this day.

**9 BUDGET PAPERS, 2013-14** — Debate resumed on the question, That the Council take note of the Budget Papers, 2013-14.

On the motion of Mr P.R. Davis, the debate was adjourned until later this day.

**10 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Mr Guy moved, That pursuant to section 46AD of the *Planning and Environment Act 1987*, Amendment 120 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question — put and agreed to.

**11 BUDGET PAPERS, 2013-14** — Debate resumed on the question, That the Council take note of the Budget Papers, 2013-14.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

**12 PARLIAMENTARY AND PUBLIC ADMINISTRATION LEGISLATION AMENDMENT BILL 2013** — 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 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.

**13 ABORIGINAL LANDS AMENDMENT BILL 2013** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders* —

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland ( <i>Teller</i> )
Mr Elsbury ( <i>Teller</i> )	Mr Leane

Mr Finn	Mr Lenders
Mr Guy	Mr Melhem
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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.

**14 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.47 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 127 — Wednesday, 12 June 2013

1 The President took the Chair and read the Prayer.

**2 PAPERS** —

**ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE — ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011** — Mrs Coote presented a Report from the Economy and Infrastructure Legislation Committee on the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 (including Appendices), together with transcripts of evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2013-14 BUDGET ESTIMATES, PART ONE** — Mr Ondarchie presented a Report from the Public Accounts and Estimates Committee on the 2013-14 Budget Estimates, Part One, together with transcripts of evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Ondarchie moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**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 Reports on —

Infection Prevention and Control in Public Hospitals, June 2013.

Organisational Sustainability of Small Councils, June 2013.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS) BILL 2013** — Mr Jennings, pursuant to notice, introduced *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 to ensure that all persons born as a result of a donor treatment procedure, regardless of when the gametes were donated, have access to identifying information about their donor and for other purposes.*

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

**5 AMBULANCE VICTORIA** — Mr Jennings moved, That this House notes that —

- (1) since the Minister for Health, Mr David Davis, MLC, sacked the board of Ambulance Victoria, the Napthine Government's incompetence has caused the Victorian ambulance service to be in crisis;
  - (2) there are alarmingly frequent stories of members of the public having to wait in pain for too long before an ambulance arrives;
  - (3) ambulances are being backed up outside hospitals and unable to transfer their patients because of grid-locked emergency departments; and
  - (4) morale among paramedics is at an all-time low;
- and calls on the Napthine Government to address the growing crisis in the ambulance service as a matter of urgency.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 AMBULANCE VICTORIA** — Debate continued on the question, That this House notes that —

- (1) since the Minister for Health, Mr David Davis, MLC, sacked the board of Ambulance Victoria, the Napthine Government's incompetence has caused the Victorian ambulance service to be in crisis;
  - (2) there are alarmingly frequent stories of members of the public having to wait in pain for too long before an ambulance arrives;
  - (3) ambulances are being backed up outside hospitals and unable to transfer their patients because of grid-locked emergency departments; and
  - (4) morale among paramedics is at an all-time low;
- and calls on the Napthine Government to address the growing crisis in the ambulance service as a matter of urgency.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza (*Teller*)

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmr

Mr D.M. Davis

Mr Jennings

Mr P.R. Davis

Ms Hartland

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn (*Teller*)

Mr Melhem ( <i>Teller</i> )	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negatived.

- 8 MORWELL, WALLACE STREET DRAINAGE WORKS** — Debate resumed on the question, That this House requires the Leader of the Government to table in the Legislative Council —
- (1) on Tuesday, 7 May 2013, a copy of the independent site assessment updates referred to in the former Premier's response to the Adjournment matter raised on 14 November 2012 regarding flooding in the lands between the Princes Freeway and Wallace Street, Morwell, tabled in the Legislative Council on 19 March 2013;
  - (2) any brief from VicRoads to the consultants engaged to assess the relevant site, or any correspondence detailing the scope or expectations of the investigation;
  - (3) the original report of investigations into this site undertaken by GHD for VicRoads on 24 March 2011, including the brief or other documents that detailed the requirements of that investigation; and
  - (4) any correspondence or briefs between VicRoads, the Minister for Transport or his office, the Premier or his office and the Member for Morwell about this site in relation to flooding, or the requests for action that were raised in Adjournment debates by the Member for Eastern Victoria Region, Mr Matt Viney, MLC, on 14 August and 14 November 2012.

Mr Leane moved, as an amendment, That the words "7 May" be omitted with the view of inserting in their place "25 June".

Question — That the amendment be agreed to — put and agreed to.

Debate continued.

Question — That this House requires the Leader of the Government to table in the Legislative Council —

- (1) on Tuesday, 25 June 2013, a copy of the independent site assessment updates referred to in the former Premier's response to the Adjournment matter raised on 14 November 2012 regarding flooding in the lands between the Princes Freeway and Wallace Street, Morwell, tabled in the Legislative Council on 19 March 2013;
- (2) any brief from VicRoads to the consultants engaged to assess the relevant site, or any correspondence detailing the scope or expectations of the investigation;
- (3) the original report of investigations into this site undertaken by GHD for VicRoads on 24 March 2011, including the brief or other documents that detailed the requirements of that investigation; and
- (4) any correspondence or briefs between VicRoads, the Minister for Transport or his office, the Premier or his office and the Member for Morwell about this site in relation to flooding, or the requests for action that were raised in Adjournment debates by the Member for Eastern Victoria Region, Mr Matt Viney, MLC, on 14 August and 14 November 2012.

— put and agreed to.

- 9 TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2012** — 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, 3	NOES, 37
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland	Ms Broad
Ms Pennicuik ( <i>Teller</i> )	Mrs Coote
	Ms Crozier
	Mr Dalla-Riva
	Ms Darveniza
	Mr D.M. Davis
	Mr P.R. Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury
	Mr Finn
	Mr Guy
	Mr Hall ( <i>Teller</i> )
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Melhem
	Ms Mikakos
	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mrs Petrovich
	Mrs Peulich
	Ms Pulford
	Mr Ramsay
	Mr Rich-Phillips
	Mr Scheffer
	Mr Somyurek
	Mr Tarlamis ( <i>Teller</i> )
	Mr Tee
	Ms Tierney
	Mr Viney

Question negatived.

**10 PRODUCTION OF DOCUMENTS — EAST-WEST LINK** — Mr Barber moved, That this House —

- (1) notes that the documents relating to the East West Link, ordered by the Resolution of the Council on 17 April 2013 to be tabled in the Council by 7 May 2013, have not been received by the Council;
- (2) notes the letter of 7 May 2013 from the Minister for Public Transport in response to the Council's Resolution;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by Tuesday, 25 June 2013 a copy of —
  - (a) all documents relating to the "Route alignments peer reviewed and short listed" and "communications and engagement strategy finalised" referred to on page 3 of "East West Link Reform and Investment Framework Stages 1 to 6, August

2012”, which formed part of the East West Link Submission to Infrastructure Australia;

- (b) the agenda, minutes, any attachments to the minutes and any presentations or materials tabled in relation to each meeting of the Department of Transport's East-West Steering Committee to date;
- (c) all documents (including invitees list, agenda, minutes where they exist and the Microsoft PowerPoint presentation used) relating to a briefing, held on 17 July 2012 at the Treasury Building, on the development of a business case for the East West Link; and
- (d) all minutes and other documentation of meetings held with over 40 entities by the Minister for Roads and/or Department of Transport representatives relating to the proposed East West Tunnel infrastructure project, which are referenced in the media release “East West Link is declared under Major Transport Projects Act”.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.43 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 128 — Thursday, 13 June 2013

1 The President took the Chair and read the Prayer.

2 **PETITION — NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 349 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

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:

Statutory Rules under the following Acts of Parliament:

Domestic Animals Act 1994 — No. 57.

Road Safety Act 1986 — Nos. 58 and 59.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 57 to 59.

4 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 25 June 2013.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

7 **MARINE (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Victorian regulations have been formulated, following appropriate consultation with stakeholders.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Melhem ( <i>Teller</i> )	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now 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.

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

**9 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**11 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**12 BUILDING AND PLANNING LEGISLATION AMENDMENT (GOVERNANCE AND OTHER MATTERS) BILL 2013** — 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.

- 13 APPROPRIATION (2013–2014) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2013/2014 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.
- 14 TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport (Compliance and Miscellaneous) Act 1983, the Essential Services Commission Act 2001, the Transport Integration Act 2010 and the Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011, to make consequential amendments to the Accident Compensation Act 1985 and the Road Safety Act 1986 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Tee, the debate was adjourned for one week.
- 15 STATE TAX LAWS AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Congestion Levy Act 2005, the Duties Act 2000, the Fire Services Property Levy Act 2012, the First Home Owner Grant Act 2000, the Liquor Control Reform Act 1998, the Payroll Tax Act 2007, the Taxation Administration Act 1997 and the Water Act 1989 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.
- 16 APPROPRIATION (PARLIAMENT 2013–2014) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2013/2014 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

**17 BORROWING AND INVESTMENT POWERS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Borrowing and Investment Powers Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

**18 COGNATE DEBATE** — Mr Rich-Phillips moved, by leave, That this House authorises and requires the President to permit the second reading debate on the Appropriation (2013/2014) Bill 2013 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2013-14.

Question — put and agreed to.

**19 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013** — 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.

**20 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.42 p.m., adjourned until Tuesday, 25 June 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 126, 127 and 128

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Tuesday, 11 June 2013

### 1 PARLIAMENTARY AND PUBLIC ADMINISTRATION LEGISLATION AMENDMENT BILL 2013

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Question — That Clause 5 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Question agreed to.

**Clause 6** — Question — That Clause 6 stand part of the Bill — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 37

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem (*Teller*)  
Ms Mikakos  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich (*Teller*)  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Question agreed to.

**Clauses 7 to 20** — put and agreed to.

**Bill reported without amendment.**

## 2 ABORIGINAL LANDS AMENDMENT BILL 2013

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved —

1. Clause 2, line 6, before "This" insert "(1)".

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress.*

**3 ABORIGINAL LANDS AMENDMENT BILL 2013**

*Progress having been reported earlier this day —*

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders (*Teller*)  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik (*Teller*)  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy (*Teller*)  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 38** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 13 June 2013

**1 MARINE (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2013**

**Clauses 1 to 99** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

**2 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013**

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Barber moved —

1. Clause 3, lines 27 to 31, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 22** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 129, 130 and 131

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#### No. 129 — Tuesday, 25 June 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 18 June 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Aboriginal Lands Amendment Act 2013*
  - Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013*
  - Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Act 2013*
  - Marine (Domestic Commercial Vessel National Law Application) Act 2013*
  - Parliamentary and Public Administration Legislation Amendment Act 2013.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PETITIONS** —
  - NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 107 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so it can continue to provide a great service to the community.  
Ordered to lie on the Table.  

\* \* \* \* \*
  - ANIMAL WELFARE AGENCIES** — Mr Leane presented a Petition bearing 229 signatures from certain citizens of Victoria requesting that the Government legislate to strengthen the powers of animal welfare agencies to intervene in cases of reported horse cruelty, including the ability to issue fines and provide for the imposition of harsher penalties for acts of cruelty against horses.  
Ordered to lie on the Table.
- 5 **UNIVERSITY OF BALLARAT AMENDMENT (FEDERATION UNIVERSITY AUSTRALIA) BILL 2013** — Mr Hall, by leave, without notice, introduced *A Bill for an Act to amend the University of Ballarat Act 2010 to change the name of the University of Ballarat to Federation University Australia and for other purposes.*  
On the motion of Mr Hall, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**6 PAPERS —**

**HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MIDWIFE INSURANCE EXEMPTION) REGULATION** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation No. 70/2013.

Question — put and agreed to.

The Regulation was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

**RACING VICTORIA LIMITED INQUIRY — DAMIEN OLIVER** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the Final Report on the Investigation of the 'Damien Oliver Inquiry' 2012 by Racing Victoria Limited.

Question — put and agreed to.

The Report was presented by Mr Rich-Phillips and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 9 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-First Amending Deed, 7 June 2013, pursuant to section 15B(5) of the Act.

City Link Concession Deed Thirty-First Amending Deed, 7 June 2013, pursuant to section 15(2) of the Act.

Exhibition Street Extension Agreement Fourteenth Amending Deed, 7 June 2013, pursuant to section 15D(6) of the Act.

Freeway Management System Coordination Agreement Third Amending Deed, 7 June 2013, pursuant to section 15(2) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return, May 2013 and Summary of Variations notified between 6 October 2012 and 24 June 2013.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on Effective Decision Making for the Successful Delivery of Significant Infrastructure Projects.

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

Banyule Planning Scheme — Amendment C68.

Greater Bendigo Planning Scheme — Amendment C187.

Greater Shepparton Planning Scheme — Amendment C145.

Melbourne Planning Scheme — Amendment C171.

Moreland Planning Scheme — Amendment C145.

Mornington Peninsula Planning Scheme — Amendment C171.

Mount Alexander Planning Scheme — Amendment C65.

Stonnington Planning Scheme — Amendments C77 and C182.

West Wimmera Planning Scheme — Amendment C30.

A Statutory Rule under the Water Act 1989 — No. 60.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2012.

**PROCLAMATION** — Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk:

Gambling Regulation Amendment Act 2013 — Remaining provisions — 1 July 2013  
(*Gazette No. S203, 12 June 2013*).

**7 BUSINESS OF THE COUNCIL** — Mr Leane moved, by leave, That precedence be given to the following General Business on Wednesday, 26 June 2013:

- (1) Order of the Day No. 5, the second reading of the Assisted Reproductive Treatment Amendment (Access by Donor-Conceived People to Information about Donors) Bill 2013;
- (2) the Notice of Motion given this day by Mr Somyurek relating to the off-shoring of Victorian services sector jobs;
- (3) Notice of Motion No. 563 standing in the name of Mr Lenders relating to the Gonski education reforms;
- (4) Notice of Motion No. 589 standing in the name of Ms Pennicuik relating to the construction of a boat ramp at Bastion Point, Mallacoota; and
- (5) the Notice of Motion given this day by Mr Barber relating to the Doncaster railway line.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**10 TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until appropriate consultation with stakeholders has occurred to address serious concerns about the Bill including, but not limited to:

- (1) measures to address the impact, including any hardship on taxi licence holders as a result of the devaluation of licences and the failure to adopt Professor Fels' hardship test;
- (2) further examination of the impact on the market of an unrestricted release of taxi licences specifically in relation to customer demand and driver pay;
- (3) the structuring of the new taxi zones including the unique challenges facing urban and regional, regional and country zones;
- (4) the impact on numbers and availability of wheelchair accessible taxis (WATs); and
- (5) possible fare increases."

Debate ensued.

Amendments proposed to be moved in Committee by Mr Tee were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Guy were circulated.

Debate continued.

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

Debate continued.

Question — That the reasoned amendment moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair

AYES, 19

NOES, 21

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Ms Darveniza (*Teller*)

Ms Crozier

Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now read a second time — put and agreed to.

Ms Hartland moved, That the Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Bill 2013 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad ( <i>Teller</i> )	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis ( <i>Teller</i> )	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Melhem
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis ( <i>Teller</i> )
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

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Bill further considered in Committee.

Bill reported with amendments, the Report was adopted.

Mr Guy 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, 21	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh ( <i>Teller</i> )
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Melhem
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Mrs Kronberg	Ms Pulford
Ms Lovell	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Petrovich	Ms Tierney ( <i>Teller</i> )
Mrs Peulich	Mr Viney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

**11 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.28 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 130 — Wednesday, 26 June 2013

1 The President took the Chair and read the Prayer.

**2 PARLIAMENTARY COMMITTEES RESIGNATIONS** — The President read letters from —

- (1) Mr Koch resigning from the Independent Broad-based Anti-corruption Commission Committee;
- (2) Ms Miller, Mr Southwick and Ms Tierney resigning from the Education and Training Committee;
- (3) Mr Brooks resigning from the Scrutiny of Acts and Regulations Committee;
- (4) Ms Ryall resigning from the Electoral Matters Committee; and
- (5) Mr Wakeling resigning from the Accountability and Oversight Committee.

**3 PAPERS** —

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Child Death Review Committee's Annual Report of Inquiries into the deaths of children known to Child Protection 2013.

Question — put and agreed to.

The paper was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**DRUGS AND CRIME PREVENTION COMMITTEE — APPLICATION OF SAFER DESIGN PRINCIPLES AND CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN** —

Mr Ramsay presented a Report from the Drugs and Crime Prevention Committee on Application of Safer Design Principles and Crime Prevention through Environmental Design (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — RURAL DRAINAGE IN VICTORIA** — Mr Koch presented a Report from the Environment and Natural Resources Committee on Rural Drainage in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — AUDITOR-GENERAL AND AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — Mr O'Brien presented a

Report from the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (including an Appendix).

Ordered to lie on the Table and the Report to be printed.  
 Mr O'Brien moved, That the Council take note of the Report.  
 Debate ensued.  
 Question — put and agreed to.

\* \* \* \* \*

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

Auditor-General's Reports on —  
 Annual Plan, 2013-14.  
 Environment and Sustainability Sector: Performance Reporting, June 2013.  
 Flood Relief and Recovery, June 2013.

\* \* \* \* \*

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

Police Regulation Amendment Act 2012 — except section 17 — 1 July 2013 (*Gazette No. S211, 18 June 2013*).  
 Water Legislation Amendment Act 2013 — except sections 7, 8 and 39 — 19 June 2013 (*Gazette No. S211, 18 June 2013*).

**4 PRODUCTION OF DOCUMENTS — VICTORIA PLANNING ZONES REVIEW** — The Clerk laid on the Table a letter from the Minister for Planning, dated 25 June 2013, in response to the Resolution of the Council of 12 December 2012 seeking the production of documents relating to reformed zones for Victoria planning zones review advising that the —

- matter is still under consideration; and
- Government will respond as soon as that process has been completed.

**5 PARLIAMENTARY COMMITTEES APPOINTMENTS** — Mr D.M. Davis moved, by leave —

- (1) **LAW REFORM, DRUGS AND CRIME PREVENTION COMMITTEE** — That contingent on the commencement of the *Parliamentary Committees Amendment Act 2013* on 1 August 2013, Mr Ramsay be appointed to the Law Reform, Drugs and Crime Prevention Committee.
- (2) **ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE** — That contingent on the commencement of the *Parliamentary Committees Amendment Act 2013* on 1 August 2013, Mrs Peulich be appointed to the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.
- (3) **EDUCATION AND TRAINING COMMITTEE** — That Mrs Kronberg be appointed to the Education and Training Committee.

Question — put and agreed to.

**6 LAW REFORM, DRUGS AND CRIME PREVENTION COMMITTEE** — Mr Lenders moved, by leave, That contingent on the commencement of the *Parliamentary Committees Amendment Act 2013* on 1 August 2013, Mr Scheffer be appointed to the Law Reform, Drugs and Crime Prevention Committee.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS) BILL 2013** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Crozier, the debate was adjourned for two weeks.

**9 SERVICES SECTOR JOBS** — Mr Somyurek moved, That this House condemns the Napthine Government for failing to stop the loss of Victorian services sector jobs, and for failing to follow the Victorian Labor Opposition's lead in implementing initiatives to prevent the large scale off-shoring of Victorian services sector jobs, and notes that —

- (1) according to the latest ABS data (6291.0.55.003), services sector jobs such as 'Information, Media and Telecommunications' and 'Retail Trade' were at the top of the list of sectors with the biggest job losses across various sectors, behind 'Manufacturing' and 'Agriculture, Forestry and Fishing', in the 12 month period to the May quarter 2013 compared to the May quarter 2012;
- (2) other services sector jobs including 'Electricity, Gas, Water and Waste Services', 'Professional, Scientific and Technical Services', 'Other Services', 'Education and Training Services' and 'Accommodation and Food Services' were also near the top of the list and, in total, 9 out of 16 services sectors experienced job losses in the May quarter 2013 compared to the May quarter 2012;
- (3) the results for the 12 months ending May quarter 2013 indicate that job losses are occurring in the delivery of essential services and in important drivers of the Victorian economy including in professional, scientific and technical services; education; ICT sectors; retail and wholesale trade; and accommodation and food services;
- (4) overall, Victoria's services sector has been underperforming, as measured by Ai Group's Australian Performance of Services Index (PSI), which has remained below the neutral 50-point level for the past 18 months, indicating that services activity has been contracting throughout the period;
- (5) Victoria's PSI is also below the national average based on the Ai Group Pre 2013-14 Budget Submission to the Victorian Government; and
- (6) the National Institute of Economic and Industry Research (NEIR) report published in 2012 estimates that an expected 700,000 to 1 million services sector jobs will be moved off shore in the next three decades.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**REGIONAL RAIL LINK NOISE MONITORING** — Mr Guy having given answers to a question without notice and a supplementary question relating to regional rail link noise monitoring — On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**11 SERVICES SECTOR JOBS** — Debate continued on the question, That this House condemns the Napthine Government for failing to stop the loss of Victorian services sector jobs, and for failing to follow the Victorian Labor Opposition's lead in implementing initiatives to prevent the large scale off-shoring of Victorian services sector jobs, and notes that —

- (1) according to the latest ABS data (6291.0.55.003), services sector jobs such as 'Information, Media and Telecommunications' and 'Retail Trade' were at the top of the list of sectors with the biggest job losses across various sectors, behind 'Manufacturing' and 'Agriculture, Forestry and Fishing', in the 12 month period to the May quarter 2013 compared to the May quarter 2012;
- (2) other services sector jobs including 'Electricity, Gas, Water and Waste Services', 'Professional, Scientific and Technical Services', 'Other Services', 'Education and Training Services' and 'Accommodation and Food Services' were also near the top of the list and, in total, 9 out of 16 services sectors experienced job losses in the May quarter 2013 compared to the May quarter 2012;
- (3) the results for the 12 months ending May quarter 2013 indicate that job losses are occurring in the delivery of essential services and in important drivers of the Victorian economy including in professional, scientific and technical services; education; ICT sectors; retail and wholesale trade; and accommodation and food services;

- (4) overall, Victoria's services sector has been underperforming, as measured by Ai Group's Australian Performance of Services Index (PSI), which has remained below the neutral 50-point level for the past 18 months, indicating that services activity has been contracting throughout the period;
- (5) Victoria's PSI is also below the national average based on the Ai Group Pre 2013-14 Budget Submission to the Victorian Government; and
- (6) the National Institute of Economic and Industry Research (NEIR) report published in 2012 estimates that an expected 700,000 to 1 million services sector jobs will be moved off shore in the next three decades.

On the motion of Mrs Peulich, the debate was adjourned until later this day.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 563, be postponed until later this day.

**13 BASTION POINT BOAT RAMP** — Leave having been granted for Ms Pennicuik to move her motion in an amended form, Ms Pennicuik moved, That this House expresses its concern that the Minister for Environment and Climate Change has granted coastal consent for the construction of a boat ramp at Bastion Point, Mallacoota, known as "Option 3B" despite —

- (1) the Gippsland Coastal Board opposing it;
- (2) 87 per cent of submissions to the 2007 Inquiry EES opposing it;
- (3) the October 2008 Independent Panel Report on the Ocean Access Boat Ramp, Bastion Point Mallacoota, recommending that a minor improvement to the existing boat ramp is as much as should be done at Bastion Point; and
- (4) the Department of Sustainability and Environment and Department of Transport recommending an alternative option H2;

and calls on the Minister to —

- (a) release all advice from the Department of Environment and Primary Industries regarding his decision;
- (b) fully explain the reasons for his decision;
- (c) explain how his decision is consistent with the public position of the Coalition's policy announced during the last election when it advised the community that it would review the project; and
- (d) visit East Gippsland to publicly explain his decision to the community.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Viney.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 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.

**16 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — The Acting President announced the receipt of a Message from the Assembly informing the Council that they have agreed to the following Resolution:

That under section 19 of the *Audit Act 1994*, Mr Andrew Nicolaou, Lead Partner — Victorian Government, Price Waterhouse Coopers, be appointed —

- (1) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office (VAGO);
- (2) in accordance with the Agreement for the Provision of Performance Audit of the Victorian Auditor-General and the VAGO, as detailed in the Request for Tender attached as Appendix 1 of the Public Accounts and Estimates Committee's Report on the Appointment of a Person to Conduct the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office under Section 19 of the *Audit Act 1994*; and

- (3) at a fixed fee level of remuneration of \$270,000 plus GST, plus \$2,000 plus GST in capped costs for expenses;

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Rich-Phillips moved, by leave, That the Council concurs with the Assembly and resolves, That pursuant to section 19 of the *Audit Act 1994* —

- (1) Mr Andrew Nicolaou, Lead Partner – Victorian Government, Price Waterhouse Coopers, be appointed to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office;
- (2) The level of remuneration for the performance audit be \$270,000 plus GST, plus \$2,000 plus GST in capped costs for expenses; and
- (3) The terms and conditions of the appointment and payment of remuneration will be in accordance with the Terms and Conditions and Remuneration of a Person Appointed by the Parliament of Victoria pursuant to section 19 of the *Audit Act 1994*, as appended to the relevant Tender Brief in Appendix One of the Report of the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No 239, Session 2010–13).

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**17 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 131 — Thursday, 27 June 2013

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**EASTERN FREEWAY TOLLS** — Mr Leane presented a Petition bearing 65 signatures from certain citizens of Victoria requesting that the Government guarantee no tolls will be applied to the Eastern Freeway.

Ordered to lie on the Table.

**GONSKI SCHOOL RECOMMENDATIONS** — Mr Tarlamis presented a Petition bearing 158 signatures from certain citizens of Victoria requesting that the Government immediately signs up to Gonski education funding as a matter of urgency.

Ordered to lie on the Table.

\* \* \* \* \*

**BAIRNSDALE TRAIN SERVICE** — Mr Viney presented a Petition bearing 2,467 signatures from certain citizens of Victoria requesting that the Government invests the necessary resources to return a V/Line train service to and from Bairnsdale into the future.

Ordered to lie on the Table.

3 **PAPERS** —

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — INFRASTRUCTURE AND BUSINESS DEVELOPMENT IN OUTER SUBURBAN MELBOURNE** — Mrs Kronberg presented a Report from the Outer Suburban/Interface Services and Development Committee on Growing the Suburbs: Infrastructure and Business

Development in Outer Suburban Melbourne (including Appendices and a minority report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Kronberg moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Statutory Rules under the following Acts of Parliament:

Bus Safety Act 2009 — No. 68.

Conservation, Forests and Lands Act 1987 — Nos. 61 and 66.

County Court Act 1958 — No. 69.

Electricity Safety Act 1998 — No. 62.

Environment Protection Act 1970 — No. 63.

Police Regulation Act 1958 — No. 67.

Subordinate Legislation Act 1994 — No. 65.

Victorian Civil and Administrative Tribunal Act 1998 — No. 71.

Wildlife Act 1975 — No. 64.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 60, 61, 63, 67 to 69 and 71.

Victorian Environmental Assessment Council Act 2001 — Report on the Investigation into Additional Prospecting Areas in Parks, May 2013.

Victorian Government Initiatives and Reporting in Multicultural Affairs — Whole of Government Report, 2011-12.

- 4 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22 to 597, be postponed until later this day.

- 7 LEGAL AND SOCIAL ISSUES STANDING COMMITTEES** — Mr D.M. Davis moved, by leave, That Mrs Petrovich be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Mr Elsbury be appointed in her place.

Question — put and agreed to.

- 8 LAW REFORM COMMITTEE** — The President read a letter from Mrs Petrovich resigning from the Law Reform Committee.

- 9 GOVERNMENT RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Mr Rich-Phillips moved, That there be laid before this House a copy of the Government Response to the Auditor-General's Reports issued during 2011-12.

Question — put and agreed to.

The paper was presented by Mr Rich-Phillips and ordered to lie on the Table.

- 10 UNIVERSITY OF BALLARAT AMENDMENT (FEDERATION UNIVERSITY AUSTRALIA) BILL 2013** — Mr Hall laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Hall moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Pulford), the debate was adjourned for two weeks.

**11 APPROPRIATION (PARLIAMENT 2013–2014) BILL 2013** — 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.

**12 BORROWING AND INVESTMENT POWERS AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Mr Lenders moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the impacts of the measures and timelines of the Bill have been referred to, and considered by, the Economic Development and Infrastructure Committee.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 21
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr ( <i>Teller</i> )	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melham	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Petrovich ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 21	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr D.M. Davis	Mr Elasmarr
Mr P.R. Davis ( <i>Teller</i> )	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Ms Mikakos
Mr Hall	Ms Pennicuik
Mr Koch	Ms Pulford

Mrs Kronberg	Mr Scheffer ( <i>Teller</i> )
Ms Lovell	Mr Tarlamis
Mr O'Brien	Mr Tee
Mr O'Donohue	Ms Tierney ( <i>Teller</i> )
Mr Ondarchie	Mr Viney
Mrs Petrovich	
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question 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.

- 13 OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — The President read a letter from Ms McLeish resigning from the Outer Suburban/Interface Services and Development Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 14 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MERCY HOSPITAL FAMILY BIRTH CENTRE** — Mr D.M. Davis having given answers to a question without notice and a supplementary question relating to the Mercy Hospital Family Birth Centre —

On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

- 15 STATE TAX LAWS AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2013** — 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 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 APPROPRIATION (2013–2014) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2013-14** having been authorised to be debated concurrently pursuant to an Order of the Council on 13 June 2013].

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.

- 17 BUDGET PAPERS, 2013-14** — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2013-14 — put and agreed to.

- 18 NATIONAL PARKS AMENDMENT (LEASING POWERS AND OTHER MATTERS) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 in relation to leases and licences, to provide further*

*regulation making powers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 19 BAIL AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977 in relation to bail conditions and to make various other amendments relating to bail and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 20 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL ATTENDANCE) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to compulsory enrolment and attendance at school and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 21 SUSTAINABLE FORESTS (TIMBER) AMENDMENT BILL 2013** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 22 TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

- 23 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.29 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Member.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 129, 130 and 131

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Tuesday, 25 June 2013

### 1 TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013

Clauses 1 to 5 — put and agreed to.

Clause 6 — Ms Hartland moved —

1. Clause 6, page 5, after line 20 insert—

"(1ACA) The licensing authority may at any time determine to suspend both the granting of, and the acceptance of applications for, hire car licences in which the Metropolitan Hire Car Zone is specified if satisfied that the aggregate number of hire car licences in existence in which that Zone is specified and taxi-cab licences in existence in which the Melbourne Metropolitan Zone or the Urban and Large Regional Zone is specified is such that it is not in the interests of existing and future users of hire car services in the Metropolitan Hire Car Zone for any additional such hire car licences to be granted for a period.

(1ACB) In considering whether to exercise the power to suspend conferred by subsection (1ACA), the licensing authority must have regard to whether the financial viability of providers of hire car services in the Metropolitan Hire Car Zone is diminished, but only to the extent to which that diminution impacts negatively on the interests of existing and future users of hire car services in that Zone and the impact is significant.

(1ACC) The power to suspend conferred by subsection (1ACA) is exercised by the licensing authority publishing notice of the suspension in the Government Gazette and on its website.

(1ACD) A suspension takes effect from the day on which notice of it is published in the Government Gazette and continues in effect until—

(a) the first anniversary of that day; or

(b) the day on which the licensing authority publishes notice of the cessation of the suspension in the Government Gazette—

whichever occurs first."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber (*Teller*)

Ms Broad

Ms Darveniza

Mr Eideh

Mr Elasmarr

Mr Jennings

Ms Hartland

Mr Leane

Mr Lenders

Mr Melhem

Ms Mikakos

Ms Pennicuik

Ms Pulford

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee (*Teller*)

Ms Tierney

Mr Viney

NOES, 21

Mr Atkinson

Mrs Coote

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr P.R. Davis

Mr Drum

Mr Elsbury (*Teller*)

Mr Finn

Mr Guy

Mr Hall

Mr Koch

Mrs Kronberg

Ms Lovell

Mr O'Brien

Mr O'Donohue

Mr Ondarchie (*Teller*)

Mrs Petrovich

Mrs Peulich

Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 6 — put and agreed to.

**Clauses 7 and 8** — put and agreed to.

**Clause 9** — Ms Hartland moved —

2. Clause 9, lines 33 to 35, omit "number of taxi-cab licences in existence in which the relevant Zone" and insert "aggregate number of taxi-cab licences in existence in which the relevant Zone is specified and hire car licences in existence in which the Metropolitan Hire Car Zone".
3. Clause 9, page 11, line 1, omit "that Zone" and insert "the relevant Zone".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 19</p> <p>Mr Barber Ms Broad Ms Darveniza Mr Eideh Mr Elasmarr Mr Jennings Ms Hartland Mr Leane Mr Lenders Mr Melhem Ms Mikakos Ms Pennicuik (<i>Teller</i>) Ms Pulford Mr Scheffer Mr Somyurek Mr Tarlamis (<i>Teller</i>) Mr Tee Ms Tierney Mr Viney</p>	<p>NOES, 21</p> <p>Mr Atkinson Mrs Coote Ms Crozier Mr Dalla-Riva Mr D.M. Davis Mr P.R. Davis Mr Drum Mr Elsbury Mr Finn (<i>Teller</i>) Mr Guy Mr Hall Mr Koch Mrs Kronberg Ms Lovell Mr O'Brien Mr O'Donohue Mr Ondarchie Mrs Petrovich Mrs Peulich (<i>Teller</i>) Mr Ramsay Mr Rich-Phillips</p>
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Amendments negatived.

Ms Hartland moved —

4. Clause 9, page 11, lines 29 to 33, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

<p>AYES, 19</p> <p>Mr Barber Ms Broad Ms Darveniza Mr Eideh Mr Elasmarr Mr Jennings (<i>Teller</i>) Ms Hartland Mr Leane Mr Lenders (<i>Teller</i>) Mr Melhem Ms Mikakos</p>	<p>NOES, 21</p> <p>Mr Atkinson Mrs Coote Ms Crozier Mr Dalla-Riva (<i>Teller</i>) Mr D.M. Davis Mr P.R. Davis Mr Drum Mr Elsbury Mr Finn Mr Guy Mr Hall</p>
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Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendment negatived.

Clause 9 — put and agreed to.

**Clause 10** — put and agreed to.

**Clause 11** — Mr Guy moved —

1. Clause 11, page 14, line 3, omit "The" and insert "Subject to subsections (3) and (4), the".

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the Deputy President reported progress.*

## **2 TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013**

*Progress having been reported earlier this day —*

Question — That the amendment be agreed to — put and agreed to.

Mr Guy moved —

2. Clause 11, page 14, after line 8 insert—
  - ( ) In determining the boundaries of the Urban and Large Regional Zone under subsection (2)(a), the licensing authority must include within those boundaries—
    - (a) the Outer Suburban Taxi-Cab Zone as described in Schedule 1 to the Order made under section 143A on 17 June 2010 and published in the Government Gazette (No. S246) on 28 June 2010; and
    - (b) the Port Philip Taxi-Cab Zone as described in Schedule 1 to the Order made under section 143A on 16 November 2011 and published in the Government Gazette (No. S370) on 16 November 2011.
  - ( ) The licensing authority does not have power under subsection (2)(b) to alter the boundaries of the Urban and Large Regional Zone in such a way that it no longer would include the whole of both the Zones referred to in paragraphs (a) and (b) of subsection (3).".

Mr Tee moved as amendments to the amendments proposed by Mr Guy —

1. Amendment No 2—In the proposed paragraph (b) omit "2011." and insert "2011; and".
2. Amendment No 2—After proposed paragraph (b) insert—
  - (c) the Ballarat Taxi-Cab Zone being the area within an 11 kilometre radius of the Ballarat General Post Office; and
  - (d) the Bendigo Taxi-Cab Zone being the area within an 11 kilometre radius of the Bendigo General Post Office; and
  - (e) the Geelong Taxi-Cab Zone being the area bounded by the coastline, Hermsley Road to the Portarlington Road railway crossing at Curlewis, Curlewis road, a straight south-west line to the intersection of Ocean Grove Road, a straight south-west line to the intersection of Barwon Heads and Breamlea Roads, a straight south-west line to the intersection of Torquay and Blackgate roads, a straight north-west line to the intersection of Anglesea and Dickens Roads, a straight north-west line to the intersection of Prices Highway and Devon Road, a straight north-west line to the intersection of Barrabool and Hendy Main Roads, a straight north-east line to the intersection of Hamilton Highway and Pollocksford Road, a straight north-west line to the Midland Highway railway overpass at Gheringhap, a straight north line to the intersection of Sutherland Creek and Staceys Roads, Staceys Road to Geelong-Ballan Road, a straight north-east line to the intersection of

Geelong-Bacchus Marsh and Peak School Roads, Peak School Road, a straight east line to Hughes Road, Hughes Road, Pousties Road, Beach Road and the coastline to Hersmsley Road; and

- (f) the Sunbury, Gisborne, Macedon, Romsey, Riddell's Creek, Woodend Taxi-Cab Zone being—
- (i) the area within an 8 kilometre radius of the Sunbury Post Office; and
  - (ii) the area within an 8 kilometre radius of the Gisborne Post Office; and
  - (iii) the area within an 8 kilometre radius of the Macedon Post Office; and
  - (iv) the area within a 10 kilometre radius of the Romsey Post Office; and
  - (v) the area within a 2 kilometre radius of the Riddell's Creek Post Office; and
  - (vi) the area within an 8 kilometre radius of the Woodend Post Office; and
- (g) the Melton/Bacchus Marsh Taxi-Cab Zone being—
- (i) the area within a 15 kilometre radius of the Melton Post Office; and
  - (ii) the area within a 15 kilometre radius of the Bacchus Marsh Post Office; and
  - (iii) the area within an 8 kilometre radius of the Ballan Post Office; and
- (h) the Wandong, Wallan, Broadford, Kilmore, Whittlesea Taxi-Cab Zone being—
- (i) the area within a 3 kilometre radius of the Wandong Post Office; and
  - (ii) the area within a 4 kilometre radius of the Broadford Post Office; and
  - (iii) the area within an 8 kilometre radius of the Kilmore Post Office; and
  - (iv) the area within a 9 kilometre radius of the Wallan Post Office; and
  - (v) the area within a 10 kilometre radius of the Whittlesea Post Office."

3. Amendment No 2—Omit "the whole of both the Zones referred to in paragraphs (a) and (b) of" and insert " the whole of all of the Zones referred to in".

Question — That Mr Tee's amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber  
 Ms Broad (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Mr Viney

NOES, 21

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall (*Teller*)  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Petrovich (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Amendments negatived.

Question — That Mr Guy's amendment be agreed to — put and agreed to.

Mr Guy moved —

3. Clause 11, page 14, line 9, omit "(3)" and insert "(5)".
4. Clause 11, page 14, line 9, omit "The" and insert "Subject to subsection (6), the".
5. Clause 11, page 14, after line 11 insert—  
 "( ) An area of overlap cannot have any point within that area that is more than 3 kilometres from any point in either of the two adjoining zones that is outside that area."

6. Clause 11, page 14, line 12, omit "(4)" and insert "(7)".
7. Clause 11, page 14, line 12, omit "(5)" and insert "(8)".
8. Clause 11, page 14, line 22, omit "(5)" and insert "(8)".
9. Clause 11, page 14, line 30, omit "(6)" and insert "(9)".
10. Clause 11, page 14, line 30, omit "(5)" and insert "(8)".
11. Clause 11, page 15, line 1, omit "(7)" and insert "(10)".
12. Clause 11, page 15, line 1, omit "(8)" and insert "(11)".
13. Clause 11, page 15, line 6, omit "(8)" and insert "(11)".
14. Clause 11, page 15, line 15, omit "(9)" and insert "(12)".
15. Clause 11, page 15, line 16, omit "(8)" and insert "(11)".

Question — That the amendments be agreed to — put and agreed to.  
 Clause 11, as amended — put and agreed to.

**Clauses 12 to 15** — put and agreed to.

**Clause 16** — Mr Guy moved —

16. Clause 16, line 15, omit "143B(8)" and insert "143B(11)".

Question — That the amendment be agreed to — put and agreed to.  
 Clause 16, as amended — put and agreed to.

**Clause 17** — Mr Guy moved —

17. Clause 17, page 22, Table in proposed new subsection (2B), omit "\$17 000" and insert "\$22 000".
18. Clause 17, page 22, Table in proposed new subsection (2B), omit "\$13 400" and insert "\$18 400".

Question — That the amendments be agreed to — put and agreed to.  
 Clause 17, as amended — put and agreed to.

**Clauses 18 to 31** — put and agreed to.

**Clause 32** — Ms Hartland moved —

5. Clause 32, page 50, after line 6 insert—
  - ( ) Without limiting subsection (1), it is an implied condition of every driver agreement that the operator of the taxi-cab has a comprehensive policy of insurance covering liability in respect of damage to the taxi-cab or any other property caused by, or arising out of the use of, the taxi-cab—
    - (a) issued by a corporation authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business; and
    - (b) providing cover that in the opinion of the TSC is sufficient for the taxi-cab."

Question — That the amendment be agreed to — put.  
 The Committee divided — The Deputy President in the Chair.

AYES, 19	NOES, 21
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Mr Melhem ( <i>Teller</i> )	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch

Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mrs Kronberg  
Ms Lovell  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Petrovich  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Clause 32 — put and agreed to.

**Clauses 33 to 54** — put and agreed to.

**Bill reported with amendments.**

## **Thursday, 27 June 2013**

### **1 STATE TAX LAWS AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2013**

**Clauses 1 to 54** — put and agreed to.

**Bill reported without amendment.**

### **2 APPROPRIATION (2013-2014) BILL 2013**

**Clauses 1 to 8** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 132, 133 and 134

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#### No. 132 — Tuesday, 20 August 2013

- 1 The President took the Chair and read the Prayer.
- 2 **RESIGNATION OF MEMBER AND SENATE VACANCY** — The President announced that he had received the following communications:

1 July 2013

The Hon. Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that Ms Donna Petrovich MLC called on me today and handed me her letter of resignation as Member of the Legislative Council for Northern Victoria, effective from today. It seems that section 27A of the *Constitution Act 1975* requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Speaker and the Premier in like terms.

I enclose a copy of Ms Petrovich's letter for your records.

Yours sincerely,

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

1.07. 2013

His Excellency the Honourable Alex Chernov, AC, QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I write to formally advise you that as of 1 July 2013 I will resign from my State role as the member for Northern Victoria in the Legislative Council.

Under section 30 of the *Constitution Act 1975* my resignation will take effect immediately when received by the Governor.

I take this action to concentrate my efforts on the upcoming federal election as the endorsed Liberal candidate for the seat of McEwen.

I am very appreciative of the time I have spent representing the constituents of my electorate and look forward to continuing this representation if I am successful in winning the Federal seat of McEwen.

Please consider this letter formal notification for my resignation from the Victorian Parliament and the Member for the Northern Victoria Region.

Yours sincerely,

Donna Petrovich MLC  
Member for Northern Victoria Region

\* \* \* \* \*

The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable David Ian Feeney.

Mr D.M. Davis moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together —

- (1) to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mrs Donna Petrovich; and
- (2) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable David Ian Feeney;

and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 21 August 2013 at 6.15 p.m.

Question — put and agreed to.

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

- 3 THE LATE HONOURABLE ALAN JOHN HUNT, AM** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 19 July 2013, of the Honourable Alan John Hunt, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the South Eastern Province from 1961 to 1992 and as Minister without Portfolio in 1971, Minister for Local Government from 1971 to 1979, Minister for Planning from 1973 to 1976 and 1978 to 1979, Attorney-General in 1976, Minister for Federal Affairs from 1976 to 1978, Minister for Education from 1979 to 1982, and as President of the Legislative Council from 1988 to 1992.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 4 ADJOURNMENT** — Mr D.M. Davis moved, by leave, That as a further mark of respect to the memory of the late Honourable Alan John Hunt, AM, the House adjourn until tomorrow.

Question — put and agreed to.

And then the Council, at 3.11 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 133 — Wednesday, 21 August 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
- On 28 June 2013, given the Royal Assent to the following Acts presented to him by the Speaker:
- Appropriation (2013-2014) Act 2013*  
*Appropriation (Parliament 2013-2014) Act 2013.*
- On 28 June 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
- Borrowing and Investment Powers Amendment Act 2013*  
*State Tax Laws Amendment (Budget and Other Measures) Act 2013*  
*Sustainable Forests (Timber) Amendment Act 2013*  
*Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013.*
- 3 **JOINT SITTING — VACANCIES IN THE LEGISLATIVE COUNCIL AND THE SENATE** — The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to meet the Council for the purpose of sitting and voting together —
- (1) to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mrs Donna Petrovich; and
- (2) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable David Feeney;
- and, as proposed by the Council, that the place and time of the Joint Sitting be the Legislative Assembly Chamber on Wednesday, 21 August 2013 at 6.15 p.m.
- 4 **ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE** — The President read a letter from Mr Ben Carroll resigning from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.
- 5 **PETITIONS** —
- FARMER HEALTH** — Ms Tierney presented a Petition bearing 112 signatures from certain citizens of Victoria requesting that the Government reinstate funding for the National Centre for Farmer Health and guarantee no further cuts will be made.
- Ordered to lie on the Table.
- \* \* \* \* \*
- EDUCATION FUNDING** — Mr Leane presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Government guarantee no further cuts to education funding will be made in the Victorian Budget.
- Ordered to lie on the Table.
- \* \* \* \* \*
- NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 236 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.
- Ordered to lie on the Table.
- \* \* \* \* \*
- EASTERN FREEWAY TOLLS** — Mr Leane presented a Petition bearing 34 signatures from certain citizens of Victoria requesting that the Government guarantee no tolls will be applied to the Eastern Freeway.
- Ordered to lie on the Table.

**HEALESVILLE FREEWAY RESERVE** — Mr Leane presented a Petition bearing 1,083 signatures from certain citizens of Victoria requesting that the Government preserve the Healesville Freeway Reserve as public open space and not sell the land to developers.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN MINING REFORM** — Mr Barber presented a Petition bearing 5,024 signatures from certain citizens of Victoria requesting that the Government permanently ban hydraulic fracturing and provide no further approvals for black and brown coal mining, exploration or production of coal seam gas, new coal and tight gas across Victoria, and place a moratorium on all current licensees until it completes its reform of Victoria's mining legislation and regulations and makes an immediate transition to investment in renewable energy sources and ensure planned and sustainable development into the future.

Ordered to lie on the Table.

On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 10 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**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 Reports on —

Developing Transport Infrastructure and Services for Population Growth Areas, August 2013.

Operating Water Infrastructure Using Public Private Partnerships, August 2013.

Crown Land (Reserves) Act 1978 —

Minister's Orders of 27 May 2013 and 24 June 2013 giving approval to the granting of a licence at Sale Canal Reserve.

Minister's Order of 1 July 2013 giving approval to the granting of a lease at Lakeside Stadium Reserve.

Minister's Order of 18 July 2013 giving approval to the granting of a licence at Edinburgh Gardens Reserve.

Minister's Order of 18 July 2013 giving approval to the granting of a licence at Alexandra Park and Alexandra Gardens Reserve.

Minister's Order of 22 July 2013 giving approval to the granting of a licence at Bells Beach Surfing and Recreation Reserve.

Disability Services Commissioner — Report, 2012-13.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2013 pursuant to section 303 of the Act.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 60 and 62.

Melbourne City Link Act 1995 — Sub-Lease between CityLink Melbourne Ltd and Transurban Infrastructure Management Ltd as sub-lessors and Kooyong Lawn Tennis Club Inc as sub-lessee pursuant to section 60(11) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2013.

Mental Health Review Board incorporating the Psychosurgery Review Board — Report, 2012-13.

Ombudsman — Report, 2012-13, Part 1.

Parliamentary Committees Act 2003 — Final Government Response to the Law Reform Committee's Report on Access by Donor-Conceived People to Information About Donors.

## Planning and Environment Act 1987 —

Greater Dandenong Planning Scheme Amendment C174.

Frankston Planning Scheme Amendment C93.

Wyndham Planning Scheme Amendment C156.

## Notices of Approval of the following amendments to planning schemes:

Alpine Planning Scheme — Amendment C43.

Alpine Resorts Planning Scheme — Amendment C26.

Ararat Planning Scheme — Amendment C20.

Ballarat Planning Scheme — Amendments C166 and C169.

Baw Baw Planning Scheme — Amendments C88, C90, C97 and C101.

Bayside Planning Scheme — Amendments C101, C103 and C109.

Benalla Planning Scheme — Amendments C18 and C19.

Boroondara Planning Scheme — Amendments C101, C142, C160 Part 1 and C176.

Brimbank Planning Scheme — Amendment C152.

Cardinia Planning Scheme — Amendment C194.

Casey Planning Scheme — Amendments C169 and C200.

Colac Otway Planning Scheme — Amendments C62 and C69.

East Gippsland Planning Scheme — Amendments C67 and C106.

Golden Plains Planning Scheme — Amendment C53.

Greater Bendigo Planning Scheme — Amendments C162 Part 2, C164, C186 and C188.

Hepburn Planning Scheme — Amendment C59 Part 1.

Hobsons Bay Planning Scheme — Amendment C82.

Horsham Planning Scheme — Amendment C61.

Hume Planning Scheme — Amendments C178, C183 and C185.

Knox Planning Scheme — Amendments C93 and C128.

Latrobe Planning Scheme — Amendment C74.

Macedon Ranges Planning Scheme — Amendments C82 and C87.

Maribyrnong Planning Scheme — Amendment C118.

Melbourne Planning Scheme — Amendment C186 Part 1.

Melton Planning Scheme — Amendments C133 and C148.

Mitchell Planning Scheme — Amendment C101.

Moira Planning Scheme — Amendment C71.

Monash Planning Scheme — Amendment C111.

Moreland Planning Scheme — Amendment C129.

Mornington Peninsula Planning Scheme — Amendments C172 and C177.

Nillumbik Planning Scheme — Amendments C78 Part 2 and C82.

Pyrenees Planning Scheme — Amendments C31 and C32.

Southern Grampians Planning Scheme — Amendment C25.

Stonnington Planning Scheme — Amendment C170.

Strathbogie Planning Scheme — Amendment C41.

Surf Coast Planning Scheme — Amendment C57.

Swan Hill Planning Scheme — Amendment C54.

Victoria Planning Provisions — Amendments V8 and VC100.

Whittlesea Planning Scheme — Amendments C147, C172 and C178.

Wodonga Planning Scheme — Amendments C99 and C109.

Wyndham Planning Scheme — Amendments C159, C169 and C189.

Yarra Planning Scheme — Amendments C169 and C200.

Yarra Ranges Planning Scheme — Amendment C109 Part 2.

Yarriambiack Planning Scheme — Amendment C18.

## Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 76.

Building Act 1993 — Nos. 80, 81 and 97.

Community Based Sentences (Transfer) Act 2012 — No. 78.

Conservation, Forests and Lands Act 1987 — No. 98.

Crimes (Assumed Identities) Act 2004 — No. 93.

- Crimes (Controlled Operations) Act 2004 — No. 91.  
 Dangerous Goods Act 1985 — No. 72.  
 EastLink Project Act 2004 — No. 104.  
 Evidence (Miscellaneous Provisions) Act 1958 — No. 92.  
 Infringements Act 2006 — No. 74.  
 Guardianship and Administration Act 1986 — No. 75.  
 Magistrates' Court Act 1989 — No. 89.  
 Marine (Domestic Commercial Vessel National Law Application) Act 2013 — No. 100.  
 Marine (Drug, Alcohol and Pollution Control) Act 1988 — Nos. 99 and 101.  
 Marine Safety Act 2010 — No. 102.  
 Parliamentary Committees Act 2003 — No. 85.  
 Parliamentary Salaries and Superannuation Act 1968 — Nos. 83 and 84.  
 Partnership Act 1958 — No. 77.  
 Road Safety Act 1986 — Nos. 86, 87 and 88.  
 Sentencing Act 1991 — No. 73.  
 Subordinate Legislation Act 1994 — No. 82.  
 Supreme Court Act 1986 — No. 90.  
 Surveillance Devices Act 1999 — No. 94.  
 Tobacco Act 1987 — No. 79.  
 Transport (Compliance and Miscellaneous) Act 1983 — Nos. 95 and 103.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 105.  
 Victorian Energy Efficiency Target Act 2007 — No. 96.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 62, 64 to 66, 72 to 90,  
 95 to 105.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Ministerial Order No. 684 – Victorian Institute of Teaching Schedule of Registration  
 Fees 2013-14 of 25 July 2013 made under the Education and Training Reform Act  
 2006.  
 Ministerial Order No. 685 – Teaching Service (Employment Conditions, Salaries,  
 Allowances, Selection and Conduct)(Amendment) Order 2013 of 26 July 2013  
 made under the Education and Training Reform Act 2006.  
 Ministerial Order No. 691 – School Council Employees (Employment Conditions,  
 Salaries, Allowances and Selection)(Amendment) Order 2013 of 26 July 2013  
 made under the Education and Training Reform Act 2006.  
 Prohibition of Differential Rates Inconsistent with Ministerial Guidelines (Moreland  
 City Council) of 12 June 2013 made under section 161(4) of the Local Government  
 Act 1989.  
 Amendment of Racing Victoria Bookmakers' Licence Levy Rules 2012 made under  
 the Racing Act 1958.  
 Greyhound Racing Victoria – Rule Amendments made under the Racing Act 1958.  
 Designation of certain areas as tow-away areas on Wurundjeri Way made under  
 clause 5(1)(b) of Schedule 4 to the Road Management Act 2004.  
 Instrument fixing the minimum amount of rate to be paid in respect of any land made  
 under the Water Industry Act 1994.  
 An Order of 18 June 2013 making the rate which the rating authority may levy in  
 relation to land made under section 139(1A) of the Water Industry Act 1994.  
 Declaration of 9 July 2013 of certain wildlife as unprotected wildlife on private  
 property made under section 7A of the Wildlife Act 1975.  
 Water Act 1989 — Abolition of Wy-Yung Groundwater Supply Protection Area Order  
 2013.

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

Alpine Resorts and National Parks Acts Amendment Act 2013 — 1 August 2013 (*Gazette No. S277, 30 July 2013*).

Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Act 2013 — 10 July 2013 (*Gazette No. S257, 9 July 2013*).

Justice Legislation Amendment Act 2013 — Part 7 — 1 August 2013 (*Gazette No. S272, 23 July 2013*).

Marine (Domestic Commercial Vessel National Law Application) Act 2013 — 1 July 2013 (*Gazette No. S226, 25 June 2013*).

Planning and Environment Amendment (General) Act 2013 — Parts 1 to 3, sections 15, 16, 37, 41, 47 and 50 and Parts 8 to 10 (except sections 70, 71(2), 73 and 76) — 22 July 2013 (*Gazette No. S250, 2 July 2013*).

Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Act 2013 — 22 July 2013 (*Gazette No. S250, 2 July 2013*).

Residential Tenancies and Other Consumer Acts Amendment Act 2012 — Remaining provisions — 1 August 2013 (*Gazette No. S277, 30 July 2013*).

Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Section 37 — 30 June 2013; Part 3 and sections 60 and 65 — 27 July 2013 (*Gazette No. S226, 25 June 2013*); Division 2 of Part 2 — 1 September 2013; sections 27, 30, 31 and 32 — 30 September 2013 (*Gazette No. S284, 13 August 2013*).

\* \* \* \* \*

**BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR REPORT, 2013** — Pursuant to section 21 of the of the *Bushfires Royal Commission Implementation Monitor Act 2011*, the Clerk laid on the Table a copy of the Bushfires Royal Commission Implementation Monitor Report for 2013.

\* \* \* \* \*

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — LOCAL ECONOMIC DEVELOPMENT INITIATIVES IN VICTORIA** — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Economic Development and Infrastructure Committee's Report on Local Economic Development Initiatives in Victoria (including Appendices), together with Transcripts of Evidence.

**7 PRODUCTION OF DOCUMENTS — WALLACE STREET, MORWELL** — The Clerk laid on the Table a letter from the Minister for Roads, dated 1 July 2013, in response to the Resolution of the Council of 12 June 2013 seeking the production of documents relating to Wallace Street, Morwell —

- advising that the Government is not able to respond to the Council's Resolution within the time period requested; and
- indicating that the Government would respond to the Council's resolution as soon as possible.

**8 NOTICES OF MOTION — EXTENSION OF TIME** — Mr Lenders moved, by leave, That the time for the giving of Notices of Motion be extended this day so as to allow remaining notices to be given.

Question — put and agreed to.

**9 PRODUCTION OF DOCUMENTS — EAST-WEST LINK BUSINESS CASE** — Leave was granted for Mr Tee to move later this day, That this House requires the Leader of Government in the Legislative Council to table in the Legislative Council on Tuesday, 3 September 2013, the business case for the proposed East-West Link.

**10 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE REFERENCE** — Leave was granted for Mr Tee to move later this day, That this House requires the Economy and Infrastructure References Committee to inquire into, consider and report no later than 29 November 2013 on the proposed East-West Link, including —

- (1) the business case for the delivery of the project;

- (2) the probity of the tender process for the selection of the successful tenderer; and
- (3) any alternative more effective measures that the Naphthine Government could take to reduce congestion and increase the health, economic and educational opportunities for Victorians.

**11 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business this day:

- (1) the notice of motion given this day by Mr Tee relating to the production of the East-West Link Business case;
- (2) the notice of motion given this day by Mr Tee referring the proposed East-West Link project to the Economy and Infrastructure References Committee;
- (3) Notice of Motion No. 611 standing in the name of Ms Hartland relating to the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011; and
- (4) Notice of Motion No. 601 standing in the name of Mr Barber relating to funding of the Doncaster Rail line.

Question — put and agreed to.

**12 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted this day —

- (1) Messages;
- (2) Formal business;
- (3) Members' statements (up to 15 Members);
- (4) General Business;
- (5) At 12 noon Questions without notice;
- (6) Answers to Questions on notice;
- (7) General Business (continues);
- (8) At 4.30 pm Statements on reports and papers; and
- (9) At 5.30 pm Adjournment (up to 20 Members).

Question — put and agreed to.

**13 STATEMENTS ON REPORTS AND PAPERS** — Mr D.M. Davis moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable Members to make statements on reports and papers later this day, notices of which were given earlier today.

Question — put and agreed to.

**14 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**15 PRODUCTION OF DOCUMENTS — EAST-WEST LINK BUSINESS CASE** — Mr Tee moved, That this House requires the Leader of Government in the Legislative Council to table in the Legislative Council on Tuesday, 3 September 2013, the business case for the proposed East-West Link.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to an Order of the House this day —*

**16 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**17 PRODUCTION OF DOCUMENTS — EAST-WEST LINK BUSINESS CASE** — Debate continued on the question, That this House requires the Leader of Government in the Legislative Council to table in the Legislative Council on Tuesday, 3 September 2013, the business case for the proposed East-West Link.

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

**18 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 545 to 610, be postponed until later this day.

**19 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS)**

**BILL 2011** — Ms Hartland moved, That this House —

- (1) notes the findings and recommendations contained in the Economy and Infrastructure Legislation Committee's Final Report into the *Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011* tabled in this House on 12 June 2013;
- (2) notes the letter sent by Associate Professor Deborah Glass and Professor Malcolm Sim of Monash University to Ms Colleen Hartland on 29 May 2013, which states that -
  - (a) there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer; and
  - (b) the Monash University study is very unlikely to change the overall conclusions of increased cancer risk among firefighters and that decisions about presumptive legislation should not be delayed;
- (3) calls on the Government to introduce the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 into the Legislative Assembly, as suggested in section 4.2 of the Economy and Infrastructure Legislation Committee's Final Report; and
- (4) orders that a Message be transmitted to the Legislative Assembly informing them of the above resolution.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to an Order of the House this day, the debate stood adjourned in the name of Mr O'Brien —*

**20 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**21 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.14 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 134 — Thursday, 22 August 2013**

1 The President took the Chair and read the Prayer.

2 **JOINT SITTING** — The President reported that the House met with the Legislative Assembly on Wednesday, 21 August 2013 —

- (1) to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mrs Donna Petrovich and that Mrs Amanda Louise Millar was elected to hold the vacant place in the Legislative Council; and
- (2) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable David Ian Feeney and that Mr Mehmet Tillem was chosen to hold the vacant place in the Senate.

3 **NEW MEMBER — DECLARATION OF ALLEGIANCE** — Mrs Amanda Louise Millar, having been introduced, approached the Table and took and subscribed the Oath required by law.

4 **PETITIONS** —

**SWINBURNE FACILITIES** — Mr Leane and Mr Scheffer each presented a Petition bearing 1,014 and 579 signatures, respectively, from certain citizens of Victoria requesting that the Government ensures the Swinburne Lilydale TAFE and University facilities remain solely for educational purposes and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

Ordered to lie on the Table.

**BALLARAT SCHOOLS** — Ms Pulford presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Government provide funds for the maintenance of Government schools in Ballarat.

Ordered to lie on the Table.

\* \* \* \* \*

**HEALTH FUNDING** — Ms Tierney presented a Petition bearing 101 signatures from certain citizens of Victoria requesting that the Government restore funding to essential health services and deliver their promised hospital beds.

Ordered to lie on the Table.

\* \* \* \* \*

**REGIONAL ROADS FUNDING** — Ms Tierney presented a Petition bearing 139 signatures from certain citizens of Victoria requesting that the Government reinstate all funding and resources cut from roads maintenance in rural and regional Victoria and guarantee that no further cuts will be made.

Ordered to lie on the Table.

\* \* \* \* \*

**BALLARAT AMBULANCE SERVICE** — Ms Pulford presented a Petition bearing 157 signatures from certain citizens of Victoria requesting that the Government immediately address the failure to provide Ballarat with the continuous coverage of professional paramedic services it needs.

Ordered to lie on the Table.

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

Ombudsman — Report on the Investigation into unenforced warrants, August 2013.

Professional Standards Act 2003 — Bar Association of Queensland Scheme, 21 June 2013.

- 6 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 3 September 2013.

Question — put and agreed to.

- 7 LEGAL AND SOCIAL ISSUES STANDING COMMITTEES** — Mr D.M. Davis moved, by leave, That Mr Elsbury be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Mrs Millar be appointed in his place.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 9 PETITION — BAIRNSDALE TRAIN SERVICE** — Mr Viney, by leave, presented a Petition bearing 407 signatures from certain citizens of Victoria requesting that the Government invests the necessary resources to guarantee a V/Line train service to and from Bairnsdale into the future.

Ordered to lie on the Table.

On the motion of Mr Viney, the petition was ordered to be taken into consideration on the next day of meeting.

- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 22 to 620, be postponed until later this day.

- 11 INAUGURAL SPEECH** — Mr D.M. Davis moved, That the inaugural speech of Mrs Amanda Millar be now heard.

Question — put and agreed to.

**12 UNIVERSITY OF BALLARAT AMENDMENT (FEDERATION UNIVERSITY AUSTRALIA)**

**BILL 2013** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.**14 NATIONAL PARKS AMENDMENT (LEASING POWERS AND OTHER MATTERS) BILL 2013** — 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

NOES, 17

Mrs Coote

Mr Barber

Ms Crozier

Ms Broad

Mr Dalla-Riva

Mr Eideh

Mr D.M. Davis

Mr Elasmar

Mr P.R. Davis

Ms Hartland

Mr Drum (*Teller*)

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Mr Melhem (*Teller*)

Mr Guy

Ms Mikakos

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Somyurek (*Teller*)

Mrs Millar

Mr Tarlamis

Mr O'Brien (*Teller*)

Mr Tee

Mr O'Donohue

Ms Tierney

Mr Ondarchie

Mr Viney

Mrs Peulich

Mr Ramsay

Question 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.

**15 PRODUCTION OF DOCUMENTS — VICTORIA PLANNING ZONES REVIEW** — The Clerk laid on the Table a letter from the Minister for Planning, dated 22 August 2013, in response to the Resolution of the Council of 12 December 2012 seeking the production of documents relating to the reformed zones for Victoria planning zones review —

- advising that the reformed zones are to be implemented shortly; and
- indicating that the Government will respond as soon as that process has been completed.

**16 BAIL AMENDMENT BILL 2013** — 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 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.

- 17 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT (EAST WEST LINK AND OTHER PROJECTS) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Transport Projects Facilitation Act 2009 to facilitate the East West Link project and other major transport projects by reducing procedural delays and red tape, to amend the Transport Integration Act 2010 to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 18 CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and the Sentencing Act 1991 in relation to the commission of offences by prisoners released on parole and the breach of terms and conditions of parole orders* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 19 FORTIFICATION REMOVAL BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the Magistrates' Court, on application by the Chief Commissioner of Police, to require the removal or modification of fortifications on premises that are connected to certain criminal offences and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 20 ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Criminal Procedure Act 2009 and the Sentencing Amendment (Community Correction Reform) Act 2011 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**21 ROAD LEGISLATION AMENDMENT (USE AND DISCLOSURE OF INFORMATION AND OTHER MATTERS) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and other Acts in relation to the use and disclosure of information and other matters and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**22 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.59 p.m., adjourned until Tuesday, 3 September 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 132, 133 and 134

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Thursday, 22 August 2013

**1 UNIVERSITY OF BALLARAT AMENDMENT (FEDERATION UNIVERSITY AUSTRALIA) BILL 2013**

Clauses 1 to 14 — put and agreed to.

Bill reported without amendment.

**2 BAIL AMENDMENT BILL 2013**

Clauses 1 to 8 — put and agreed to.

Heading to Clause 9 — Ms Pennicuik moved —

1. Heading to clause 9, omit "**section 32A**" and insert "**sections 32A and 32B**".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos (*Teller*)  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Rich-Phillips  
Mr Scheffer

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negated.

Heading to Clause 9 — put and agreed to.

**Clause 9** — Question — That Clause 9 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Question agreed to.

**Clauses 10 and 11** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 135, 136 and 137

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#### No. 135 — Tuesday, 3 September 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 27 August 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Bail Amendment Act 2013*  
*National Parks Amendment (Leasing Powers and Other Matters) Act 2013.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**BENDIGO HOSPITAL** — Mr D.M. Davis having given an answer to a question without notice relating to Bendigo Hospital —  
On the motion of Mr Viney, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITIONS** —  
**HEALESVILLE FREEWAY RESERVE** — Mr Leane presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Government preserve the Healesville Freeway Reserve as public open space and not sell the land to developers.  
Ordered to lie on the Table.  

\* \* \* \* \*

**SWINBURNE FACILITIES** — Mr Leane presented a Petition bearing 147 signatures from certain citizens of Victoria requesting that the Government ensures the Swinburne Lilydale TAFE and University facilities remain solely for educational purposes and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 11 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2012.

Coronial Council of Victoria — Report, 2012-13.

Crown Land (Reserves) Act 1978 —

Minister's Order of 5 October 2012 giving approval to the granting of a lease at Point Leo Foreshore Reserve.

Minister's Order of 15 July 2013 giving approval to the granting of a licence at Civic Place, Warragul.

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

Bass Coast Planning Scheme — Amendment C137.

Boroondara Planning Scheme — Amendment C162.

Brimbank Planning Scheme — Amendment C64.

Casey Planning Scheme — Amendment C183.

Darebin Planning Scheme — Amendment C139.

Glen Eira Planning Scheme — Amendments C109 and C110.

Greater Dandenong Planning Scheme — Amendment C176.

Knox Planning Scheme — Amendment C125.

Maribyrnong Planning Scheme — Amendment C126.

Melbourne Planning Scheme — Amendment C217.

Melton Planning Scheme — Amendment C113.

Mitchell Planning Scheme — Amendment C93.

Moonee Valley Planning Scheme — Amendment C133.

Wellington Planning Scheme — Amendment C79.

Whittlesea Planning Scheme — Amendment C165.

Victoria Planning Provisions — Amendment VC104.

Yarra Ranges Planning Scheme — Amendment C132.

Public Interest Monitor — Report for the period 10 February 2013 to 30 June 2013.

Rural Finance Corporation of Victoria — Report, 2012-13.

State Concessions Act 2004 — 4 Orders of 30 July 2013 under section 7 in respect of Electricity Retailers, Gas Retailers, Water Corporations and Local Government.

Statutory Rules under the following Acts of Parliament:

Criminal Procedure Act 2009 — County Court Act 1958 — No. 110.

Drugs, Poisons and Controlled Substances Act 1981 — Nos. 107 and 108.

Legal Profession Act 2004 — No. 106.

Public Health and Wellbeing Act 2008 — No. 109.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 91 to 94 and 110.

Young Farmers' Finance Council — Report, 2012-13.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Justice Legislation Amendment Act 2013 — Part 2 — 26 October 2013 (*Gazette No. S292, 20 August 2013*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 4 September 2013:

- (1) Notice of Motion No. 613 standing in the name of Mr Tee, relating to a motion of no confidence in Minister for Planning;
- (2) Order of the Day No. 24, resumption of debate on motion relating to the production of the East-West Link business case;
- (3) Order of the Day No. 22, resumption of debate on motion relating to the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011;

- (4) Notice of Motion No. 601 standing in the name of Mr Barber relating to funding of the Doncaster rail line; and
- (5) Order of the Day No. 20, resumption of debate on motion relating to the construction of the Mallacoota boat ramp.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**9 FORTIFICATION REMOVAL BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

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.

**10 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT (EAST WEST LINK AND OTHER PROJECTS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the full business case for the East West Link is released."

Debate ensued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

Mr D.M. Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay

NOES, 19

Mr Barber  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Ms Hartland (*Teller*)  
Mr Jennings  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Mr Rich-Phillips

Question agreed to.

Debate continued.

Question — That the reasoned amendment moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Jennings	Mr Elsbury ( <i>Teller</i> )
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Mr Melhem	Mr Hall
Ms Mikakos	Mr Koch
Ms Pennicuik	Mrs Kronberg
Ms Pulford	Ms Lovell
Mr Scheffer	Mrs Millar
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
Mr Viney	Mr Ramsay
	Mr Rich-Phillips

Amendment negated.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 19
Mr Atkinson	Mr Barber
Mrs Coote ( <i>Teller</i> )	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh ( <i>Teller</i> )
Mr D.M. Davis	Mr Elasmarr
Mr Drum	Ms Hartland
Mr Elsbury	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Melhem ( <i>Teller</i> )
Mr Koch	Ms Mikakos
Mrs Kronberg	Ms Pennicuik
Ms Lovell	Ms Pulford
Mrs Millar	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay ( <i>Teller</i> )	Mr Viney
Mr Rich-Phillips	

Question agreed to.

Mr Tee moved, That noting that the community and local councils have raised concerns that there has been no consultation on the Bill, and given the Bill will reduce community involvement and exclude local councils from consideration of major projects, the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report no later than 29 November 2013, including consideration of the impacts the Bill will have on community engagement and the role of local councils and whether these impacts are in the best interests of Victorians.

Debate ensued.

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 4 SEPTEMBER 2013

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier ( <i>Teller</i> )
Mr Elasmr	Mr Dalla-Riva ( <i>Teller</i> )
Ms Hartland	Mr D.M. Davis
Mr Jennings	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik ( <i>Teller</i> )	Mr Koch
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Guy 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, 20	NOES, 18
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Mrs Coote	Ms Broad
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmr ( <i>Teller</i> )
Mr D.M. Davis	Ms Hartland
Mr Drum	Mr Jennings
Mr Elsbury	Mr Leane
Mr Finn	Mr Lenders
Mr Guy	Mr Melhem
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik

Mrs Kronberg ( <i>Teller</i> )	Ms Pulford
Ms Lovell	Mr Scheffer
Mrs Millar	Mr Somyurek
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mr Ondarchie	Ms Tierney
Mrs Peulich ( <i>Teller</i> )	Mr Viney
Mr Ramsay	
Mr Rich-Phillips	

Question agreed to.

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

- 11 PARLIAMENTARY COMMITTEES RESIGNATIONS** — The President read letters from —
- (1) Mr Brad Battin resigning from the Education and Training Committee; and
  - (2) Mr Martin Foley resigning from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.
- 12 PARLIAMENTARY COMMITTEES — APPOINTMENTS** — Mr D.M. Davis moved, by leave, That —
- (1) Mr Eideh be a member of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee; and
  - (2) Mrs Millar be a member of the Education and Training Committee.

Question — put and agreed to.

- 13 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.
- And then the Council, at 2.22 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 136 — Wednesday, 4 September 2013

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS** —  
**MELBOURNE METRO RAIL TUNNEL** — Mr Lenders presented a Petition bearing 31 signatures from certain citizens of Victoria requesting that the Government commit funding, in line with the Federal Government, to the Metro Rail Tunnel project so that its planning and construction can commence as soon as possible.  
 Ordered to lie on the Table.  

\* \* \* \* \*

**GONSKI SCHOOL FUNDING** — Mr Lenders presented a Petition bearing 91 signatures from certain citizens of Victoria requesting that the Government signs-on to the 'Gonksi' Federal Funding Agreement for state primary and secondary schools.  
 Ordered to lie on the Table.
- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Clerk:  
 Auditor General's Office — Report, 2012-13.  
 Auditor-General's Report on Asset Confiscation Scheme, September 2013.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING** — Mr Tee moved, That the Minister for Planning no longer possesses the confidence of this House and —

- (1) notes that in the Amended Defence filed by the Minister for Planning in Supreme Court proceedings SCI 2012 250, the Minister for Planning admits that he has rezoned land at Ventnor —
  - (a) contrary to legal advice and the advice of the Department of Planning; and
  - (b) in breach of the requirements of the *Planning and Environment Act 1987*;
- (2) notes that over more than two years the Minister has failed to duly answer questions put to him in relation to his conduct in this matter including in October 2011, February 2012, March 2012, May 2012, August 2012, June 2012 and June 2013;
- (3) notes the refusal of the Minister for Planning to provide any explanation to this House on —
  - (a) his conduct as outlined above;
  - (b) why, in initially rezoning the land, the Minister acted contrary to the wishes of the local council, the local community and the recommendations of an independent planning panel;
  - (c) the influence of his then Chief of Staff and former adviser to the former Minister for Planning, Mr Robert Maclellan had on his decision to rezone the land; and
  - (d) the influence of other prominent members of the Liberal Party including former Kennett Government Minister, Mr Robert Maclellan, former Premier Mr Ted Baillieu and the current Federal Member for Flinders, Mr Greg Hunt who admitted that he was responsible for persuading the Minister to repeal his decision;
- (4) believes that the Minister for Planning has undermined community confidence in the Victorian planning process by his conduct which has revealed that —
  - (a) planning decisions are influenced by party political patronage;
  - (b) community participation in the planning process is irrelevant; and
  - (c) the views of local councils and independent planning processes have been sidelined; and
- (5) believes that the Minister's conduct has exposed the Victorian Government and Victorian taxpayers to millions of dollars in damages and has undermined business confidence and investment which will result in job losses.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MALLEE FAMILY CARE** — Ms Lovell having given answers to a question without notice and supplementary question relating to Mallee Family Care —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**PUBLIC HOUSING ESTATE** — Ms Lovell having given an answer to a question without notice relating to a Public Housing Estate —

On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**7 WANT OF CONFIDENCE IN THE MINISTER FOR PLANNING** — Debate continued on the question, That the Minister for Planning no longer possesses the confidence of this House and —

- (1) notes that in the Amended Defence filed by the Minister for Planning in Supreme Court proceedings SCI 2012 250, the Minister for Planning admits that he has rezoned land at Ventnor —
  - (a) contrary to legal advice and the advice of the Department of Planning; and
  - (b) in breach of the requirements of the Planning and Environment Act 1987;

- (2) notes that over more than two years the Minister has failed to duly answer questions put to him in relation to his conduct in this matter including in October 2011, February 2012, March 2012, May 2012, August 2012, June 2012 and June 2013;
- (3) notes the refusal of the Minister for Planning to provide any explanation to this House on —
  - (a) his conduct as outlined above;
  - (b) why, in initially rezoning the land, the Minister acted contrary to the wishes of the local council, the local community and the recommendations of an independent planning panel;
  - (c) the influence of his then Chief of Staff and former adviser to the former Minister for Planning, Mr Robert Maclellan had on his decision to rezone the land; and
  - (d) the influence of other prominent members of the Liberal Party including former Kennett Government Minister, Mr Robert Maclellan, former Premier Mr Ted Baillieu and the current Federal Member for Flinders, Mr Greg Hunt who admitted that he was responsible for persuading the Minister to repeal his decision;
- (4) believes that the Minister for Planning has undermined community confidence in the Victorian planning process by his conduct which has revealed that —
  - (a) planning decisions are influenced by party political patronage;
  - (b) community participation in the planning process is irrelevant; and
  - (c) the views of local councils and independent planning processes have been sidelined; and
- (5) believes that the Minister's conduct has exposed the Victorian Government and Victorian taxpayers to millions of dollars in damages and has undermined business confidence and investment which will result in job losses.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee ( <i>Teller</i> )	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1, be postponed until later this day.

**9 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS)**

**BILL 2011** — Debate resumed on the question, That this House —

- (1) notes the findings and recommendations contained in the Economy and Infrastructure Legislation Committee's Final Report into the *Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011* tabled in this House on 12 June 2013;
- (2) notes the letter sent by Associate Professor Deborah Glass and Professor Malcolm Sim of Monash University to Ms Colleen Hartland on 29 May 2013, which states that —
  - (a) there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer; and
  - (b) the Monash University study is very unlikely to change the overall conclusions of increased cancer risk among firefighters and that decisions about presumptive legislation should not be delayed;
- (3) calls on the Government to introduce the *Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011* into the Legislative Assembly, as suggested in section 4.2 of the Economy and Infrastructure Legislation Committee's Final Report; and
- (4) orders that a Message be transmitted to the Legislative Assembly informing them of the above resolution.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Coote —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.46 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 137 — Thursday, 5 September 2013

1 The President took the Chair and read the Prayer.

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

Boort District Health — Report, 2012-13.

Cohuna District Hospital — Report, 2012-13.

Geelong Cemeteries Trust — Minister's report of receipt of 2012-13 report.

Health Purchasing Victoria — Report, 2012-13.

Maldon Hospital — Minister's report of receipt of 2012-13 report.

Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Access to and Interaction with the Justice System by People with an Intellectual Disability and their Families and Carers.

Queen Victoria Women's Centre Trust — Minister's report of receipt of 2012-13 report.

Radiation Advisory Committee — Report, 2012-13.

Road Safety Camera Commissioner — Report, 2012-13.

Robinvale District Health Services — Report, 2012-13.

Southern Metropolitan Cemeteries Trust — Report, 2012-13.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 106.

Legislative Instrument and related documents under section 16B in respect of Ministerial Order No. 700 – Appointment of Busy Inc as an Approved Training Agent of 30 August 2013 made under the Education and Training Reform Act 2006.

Swan Hill District Health — Report, 2012-13.

Victorian Environmental Assessment Council — Final Report on Yellingbo Investigation, July 2013.

Victorian Health Promotion Foundation — Report, 2012-13.

Victorian Multicultural Commission — Report, 2012-13.

Youth Parole and Youth Residential Boards — Report, 2012-13.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 17 September 2013.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 6 EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL ATTENDANCE) BILL 2013** — 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, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg (*Teller*)

Mr Leane

Mr Lenders

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr O'Brien (*Teller*)

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee  
Ms Tierney  
Mr Viney

Question 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.

- 7 CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 9 CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

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.

- 10 PLANT BIOSECURITY AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Plant Biosecurity Act 2010 to provide for certain debts due to the State under that Act to be a charge on land and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Tee (for Mr Lenders), the debate was adjourned for one week.

- 11 OPEN COURTS BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to reform and consolidate provisions for and powers relating to suppression orders and closed court orders, to make consequential amendments to various Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 12 CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 13 CATCHMENT AND LAND PROTECTION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Catchment and Land Protection Act 1994 to further provide for the management of weeds and pest animals on roadsides and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 14 SUCCESSION TO THE CROWN (REQUEST) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to request the Parliament of the Commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth an Act to change the law relating to royal succession and royal marriages, and to make consequential amendments to the Crimes Act 1958 and the Imperial Acts Application Act 1980* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 15 UNIVERSITY OF BALLARAT AMENDMENT (FEDERATION UNIVERSITY AUSTRALIA) BILL 2013** — The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 16 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.16 p.m., adjourned until Tuesday, 17 September 2013.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 135, 136 and 137

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**Tuesday, 3 September 2013**

### 1 FORTIFICATION REMOVAL BILL 2013

**Clauses 1 to 24** — put and agreed to.

**Clause 25** — Ms Pennicuik moved —

1. Clause 25, lines 6 and 7, omit all words and expressions on these lines and insert—  
"While a fortification removal order is in effect, if a member of Victoria Police has a reasonable belief that the order is not being complied with, that member is authorised to—".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Mr Viney

Amendment negatived.

Clause 25 — put and agreed to.

**Clauses 26 to 53** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

## Wednesday, 4 September 2013 (morning)

### 2 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT (EAST WEST LINK AND OTHER PROJECTS) BILL 2013

**Clause 1** — Mr Tee moved, That the Deputy President report progress and ask leave to sit again.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

NOES, 20

Mr Barber

Mr Atkinson

Ms Broad

Mrs Coote

Mr Eideh (*Teller*)

Ms Crozier

Mr Elasmarr

Mr Dalla-Riva (*Teller*)

Mr Jennings

Mr D.M. Davis

Ms Hartland

Mr Drum

Mr Leane

Mr Elsbury

Mr Lenders

Mr Finn

Mr Melhem (*Teller*)

Mr Guy

Ms Mikakos

Mr Hall

Ms Pennicuik

Mr Koch

Ms Pulford

Mrs Kronberg

Mr Scheffer

Ms Lovell

Mr Somyurek

Mrs Millar

Mr Tarlamis

Mr O'Brien

Mr Tee

Mr O'Donohue

Ms Tierney

Mr Ondarchie

Mr Viney

Mrs Peulich (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 74** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 5 September 2013

### 1 CORRECTIONS AMENDMENT (BREACH OF PAROLE) BILL 2013

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 138, 139 and 140

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#### No. 138 — Tuesday, 17 September 2013

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE JAMES HALFORD RAMSAY** — Mr D.M. Davis moved, That this House expresses its sincere sorrow at the death, on 22 August 2013, of the Honourable James Halford Ramsay and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Balwyn from 1973 to 1988 and as Minister of Labour and Industry from 1978 to 1982, Minister of Consumer Affairs from 1978 to 1981 and as Minister for Economic Development from 1981 to 1982.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 2.30 p.m. until 3.33 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that she had, on 10 September 2013, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Corrections Amendment (Breach of Parole) Act 2013*

*Education and Training Reform Amendment (School Attendance) Act 2013*

*Fortification Removal Act 2013*

*Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Act 2013*

*University of Ballarat Amendment (Federation University Australia) Act 2013.*

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**PRISON BED CAPACITY** — Mr O'Donohue having given an answer to a question without notice relating to prison bed capacity —

On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 5 **PAPERS** —

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the report of the Victorian Competition and Efficiency Commission for 2012-13.

Question — put and agreed to.

The Report was presented by Mr Rich-Phillips and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —****ANNUAL REVIEW 2012 ON REGULATIONS AND LEGISLATIVE INSTRUMENTS —**

Mr Dalla-Riva presented the Annual Review 2012 on Regulations and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ALERT DIGEST —** Mr Dalla-Riva presented Alert Digest No. 12 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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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:

Agriculture Victoria Services Pty Ltd — Report, 2012-13.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2012-13 report.

Australian Grand Prix Corporation — Report, 2012-13.

Dairy Food Safety Victoria — Minister's report of receipt of 2012-13 report.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2012-13.

Geoffrey Gardiner Dairy Foundation Limited — Report, 2012-13.

Heritage Council of Victoria — Minister's report of receipt of 2012-13 report.

National Parks Advisory Council — Report, 2012-13.

Phillip Island Nature Parks — Report, 2012-13.

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

Boroondara Planning Scheme — Amendment C98.

Casey Planning Scheme — Amendment C172.

Glen Eira Planning Scheme — Amendments C95 and C98.

Greater Geelong Planning Scheme — Amendments C155 and C243.

Latrobe Planning Scheme — Amendment C81.

Maroondah Planning Scheme — Amendment C56.

Melbourne Planning Scheme — Amendments C98, C162 and C202.

Monash Planning Scheme — Amendment C116.

Moonee Valley Planning Scheme — Amendment C128.

Mornington Peninsula Planning Scheme — Amendment C135 Part 1.

Surf Coast Planning Scheme — Amendment C68 Part 1.

Swan Hill Planning Scheme — Amendment C52.

Towong Planning Scheme — Amendment C33.

Victoria Planning Provisions — Amendment VC103.

Yarra Planning Scheme — Amendment C202.

Yarra Ranges Planning Scheme — Amendment C122.

Premier and Cabinet Department — Report, 2012-13.

Regional Development Victoria — Report, 2012-13.

Shrine of Remembrance Trustees — Minister's report of receipt of 2012-13 report.

Small Business Commissioner — Report, 2012-13.

State Trustees Limited — Report, 2012-13.

Statutory Rules under the following Acts of Parliament:

Health Services Act 1988 — No. 113.

Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 111.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 112.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 107 to 109 and 111 to 113.

Legislative Instrument and related documents under section 16B in respect of Ministerial Directions to TAFE Institutes — Employment of Staff made under the Education and Training Reform Act 2006.

Tourism Victoria — Report, 2012-13.

Treasury Corporation of Victoria — Report, 2012-13.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2012-13 report.

Victorian Broiler Industry Negotiating Committee — Minister's report of receipt of 2012-13 report.

Victorian Coastal Council — Report, 2012-13.

Victorian Environmental Assessment Council — Report, 2012-13.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2012-13 report.

Victorian Veterans Council — Minister's report of receipt of 2012-13 report.

Zoological Parks and Gardens Board — Report, 2012-13.

- 6 PRODUCTION OF DOCUMENTS — VICTORIA PLANNING ZONES REVIEW** — The Clerk laid on the Table a letter from the Minister for Planning, dated 4 September 2013, together with copies of submissions published anonymously and submissions published openly, received in accordance with the Resolution of the Council of 12 December 2012 in relation to the reformed zones for Victoria planning zones review received by the Department of Planning and Community Development.

On the motion of Ms Pennicuik (for Mr Barber), the Minister's letter and the documents were ordered to be taken into consideration on the next day of meeting.

- 7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 18 September 2013:

- (1) the Notice of Motion given this day by Mr Lenders to introduce the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013;
- (2) Order of the Day No. 5, resumption of debate on the second reading of the Assisted Reproductive Treatment Amendment (Access by Donor-Conceived People to Information about Donors) Bill 2013;
- (3) Notice of Motion No. 606 standing in the name of Ms Broad relating to the Minister for Health's conduct in relation to a petition he received for tabling;
- (4) Notice of Motion No. 623 standing in the name of Ms Mikakos relating to the construction of the East-West tunnel and its impact on the funding of essential services in the Northern Metropolitan Region;
- (5) Order of the Day No. 19, resumption of debate on motion relating to the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011;
- (6) Order of the Day No. 17, resumption of debate on motion relating to the construction of the Mallacoota boat ramp; and
- (7) Notice of Motion No. 601 standing in the name of Mr Barber relating to funding of the Doncaster Rail line.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 10 ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2013** — 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.

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

**12 ROAD LEGISLATION AMENDMENT (USE AND DISCLOSURE OF INFORMATION AND OTHER MATTERS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Tee was 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.

**13 PLANT BIOSECURITY AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Mr Lenders moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House refuses to read this Bill a second time until the Government commits to making available \$3 million from the Treasurer’s Advance to fund the removal of plants which are suspected by an inspector to pose a biosecurity threat to lands in the Goulburn Valley which have been subject to the issue of an infected land notice pursuant to section 25 of the *Plant Biosecurity Act 2010*.”.

Debate continued.

Question — That the reasoned amendment moved by Mr Lenders be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Ms Broad  
Ms Darveniza  
Mr Elasmarr  
Ms Hartland  
Mr Jennings  
Mr Leane  
Mr Lenders  
Mr Melhem (*Teller*)  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr O’Brien  
Mr O’Donohue  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now read a second time — 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.

**14 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 139 — Wednesday, 18 September 2013**

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**DEPARTMENTS OF THE LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES** —

Mr Viney moved, by leave, That there be laid before this House a copy of the Departments of the Legislative Council and Parliamentary Services Reports, 2012-13.

Question — put and agreed to.

The Reports were presented by Mr Viney and ordered to lie on the Table.

\* \* \* \* \*

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

Adult Community and Further Education Board — Report, 2012-13.

Adult Parole Board of Victoria — Report, 2012-13.

Auditor-General's Reports on —

Managing Telecommunications Usage and Expenditure, September 2013.

Performance Reporting Systems in Education, September 2013.

Barwon Region Water Corporation — Report, 2012-13.

Central Gippsland Region Water Corporation — Report, 2012-13.

Central Highlands Region Water Corporation — Report, 2012-13.

City West Water Corporation — Report, 2012-13.

Coliban Region Water Corporation — Report, 2012-13.

East Gippsland Region Water Corporation — Report, 2012-13.

Energy Safe Victoria — Report, 2012-13.

Essential Services Commission — Periodic Review of Accident Towing and Storage Fees  
Final Report, July 2013.

Gippsland and Southern Rural Water Corporation — Report, 2012-13.

Goulburn-Murray Rural Water Corporation — Report, 2012-13.

Goulburn Valley Region Water Corporation — Report, 2012-13.

Grampians Wimmera Mallee Water Corporation — Report, 2012-13.

Independent Broad-based Anti-corruption Commission — Report under section 30L of the Surveillance Devices Act 1999 for the period 10 February 2013 to 30 June 2013 (incorporating the report of the Office of Police Integrity for the period 1 July 2012 to 9 February 2013).

Linking Melbourne Authority — Report, 2012-13.

Lower Murray Urban and Rural Water Corporation — Report, 2012-13.

Melbourne Water Corporation — Report, 2012-13.

National Parks Act 1975 —

Report on Lake Tyers State Park under section 17(2A).

Report on the working of the Act, 2012-13.

North East Region Water Corporation — Report, 2012-13.

Occupational Health and Safety Act 2004 — Report of Requests for Approval of Persons or Bodies under section 11(1)(d)(v) of the Act, 2012-13 pursuant to section 11(2).

Ombudsman — Report, 2012-13, Part 2.

Planning and Community Development Department — Report, 2012-13.

PrimeSafe — Minister's report of receipt of 2012-13 report.

Racing Integrity Commissioner's Office — Report, 2012-13.  
 Royal Botanic Gardens Board — Report, 2012-13.  
 South East Water Corporation — Report, 2012-13.  
 South Gippsland Region Water Corporation — Report, 2012-13.  
 Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —  
     An Order of 30 August 2013 made under section 16BA of the National Electricity (Victoria) Act 2005.  
     The Constitution of Adult Multicultural Education Services Order 2013 dated 3 September 2013 made under the Education and Training Reform Act 2006.  
 Transport, Planning and Local Infrastructure Department — Report, 2012-13.  
 Victoria Grants Commission — Report, 2012-13.  
 Victorian Curriculum and Assessment Authority — Report, 2012-13.  
 Victorian Electoral Commission — Report, 2012-13.  
 Victorian Institute of Teaching — Report, 2012-13.  
 Victorian Managed Insurance Authority — Report, 2012-13, together with 2012-13 Financial Statement for Domestic Buildings (HIH) Indemnity Fund.  
 Victorian Registration and Qualifications Authority — Report, 2012-13.  
 Wannon Region Water Corporation — Report, 2012-13.  
 Westernport Region Water Corporation — Report, 2012-13.  
 Western Region Water Corporation — Report, 2012-13.  
 Yarra Valley Water Corporation — Report, 2012-13.

- 3 PRODUCTION OF DOCUMENTS — EAST-WEST LINK** — The Clerk laid on the Table a letter from the Minister for Roads, dated 16 September 2013, together with a number of documents relating to the East-West Link, received in accordance with the Resolution of the Council of 17 April 2013.

On the motion of Ms Pennicuik, the Minister's letter and documents were ordered to be taken into consideration on the next day of meeting.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 FIRE SERVICES LEVY MONITOR AMENDMENT (ENSURING FAIR AND EQUITABLE LEVIES) BILL 2013** — Mr Lenders, pursuant to notice, introduced *A Bill for an Act to amend the Fire Services Levy Monitor Act 2012 to make provision for the fair and equitable operation of the Fire Services Property Levy Act 2012, particularly with respect to the imposition of the fire services property levy and for other purposes.*

On the motion of Mr Lenders, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Lenders laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Lenders moved, That the Bill be now read a second time.

On the motion of Mr P.R. Davis, the debate was adjourned for two weeks.

- 6 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT (ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr ( <i>Teller</i> )	Mr D.M. Davis

Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis ( <i>Teller</i> )	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie ( <i>Teller</i> )
Mr Viney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips

Question negated.

**7 MILDURA HOSPITAL PETITION** — Ms Broad moved, That this House —

- (1) condemns the Minister for Health, Mr David Davis, MLC, for —
  - (a) acting in a shameful way by accepting a petition more than 6 months ago from over 3,000 members of the Mildura community expressing concern about the future of the Mildura Hospital and not arranging for the petition to be presented to Parliament;
  - (b) acting in a disgraceful way by not returning the petition to the Mildura community following a request to do so at a face-to-face meeting on 30 May 2013 at Parliament House;
  - (c) acting in an outrageous way by blocking the presentation of the petition to the Parliament because the Parliament will only permit the original petition to be tabled; and
- (2) calls on Mr Davis to act honourably by returning the petition as requested to the community of Mildura.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**FKA CHILDREN'S SERVICES FUNDING** — Ms Lovell having given answers to a question without notice and supplementary question relating to FKA Children's Services funding —

On the motion of Ms Mikakos, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**9 MILDURA HOSPITAL PETITION** — Debate continued on the question, That this House —

- (1) condemns the Minister for Health, Mr David Davis, MLC, for —
  - (a) acting in a shameful way by accepting a petition more than 6 months ago from over 3,000 members of the Mildura community expressing concern about the future of the Mildura Hospital and not arranging for the petition to be presented to Parliament;
  - (b) acting in a disgraceful way by not returning the petition to the Mildura community following a request to do so at a face-to-face meeting on 30 May 2013 at Parliament House;
  - (c) acting in an outrageous way by blocking the presentation of the petition to the Parliament because the Parliament will only permit the original petition to be tabled; and
- (2) calls on Mr Davis to act honourably by returning the petition as requested to the community of Mildura.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar ( <i>Teller</i> )
Mr Tarlamis	Mr O'Brien
Mr Tee ( <i>Teller</i> )	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 623, be postponed until later this day.

**11 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS)**

**BILL 2011** — Debate resumed on the question, That this House —

- (1) notes the findings and recommendations contained in the Economy and Infrastructure Legislation Committee's Final Report into the *Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011* tabled in this House on 12 June 2013;
- (2) notes the letter sent by Associate Professor Deborah Glass and Professor Malcolm Sim of Monash University to Ms Colleen Hartland on 29 May 2013, which states that -
  - (a) there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer; and
  - (b) the Monash University study is very unlikely to change the overall conclusions of increased cancer risk among firefighters and that decisions about presumptive legislation should not be delayed;
- (3) calls on the Government to introduce the *Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011* into the Legislative Assembly, as suggested in section 4.2 of the Economy and Infrastructure Legislation Committee's Final Report; and
- (4) orders that a Message be transmitted to the Legislative Assembly informing them of the above resolution.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Ms Broad	Mr Atkinson
Ms Darveniza ( <i>Teller</i> )	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings ( <i>Teller</i> )	Mr P.R. Davis
Ms Hartland	Mr Drum

Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg ( <i>Teller</i> )
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
Mr Viney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**12 MALLACOOTA BOAT RAMP CONSTRUCTION** — Debate resumed on the question, That this House expresses its concern that the Minister for Environment and Climate Change has granted coastal consent for the construction of a boat ramp at Bastion Point, Mallacoota, known as "Option 3B" despite —

- (1) the Gippsland Coastal Board opposing it;
- (2) 87 per cent of submissions to the 2007 Inquiry EES opposing it;
- (3) the October 2008 Independent Panel Report on the Ocean Access Boat Ramp, Bastion Point Mallacoota, recommending that a minor improvement to the existing boat ramp is as much as should be done at Bastion Point; and
- (4) the Department of Sustainability and Environment and Department of Transport recommending an alternative option H2;

and calls on the Minister to —

- (a) release all advice from the Department of Environment and Primary Industries regarding his decision;
- (b) fully explain the reasons for his decision;
- (c) explain how his decision is consistent with the public position of the Coalition's policy announced during the last election when it advised the community that it would review the project; and
- (d) visit East Gippsland to publicly explain his decision to the community.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Ms Broad ( <i>Teller</i> )	Mr Atkinson
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum ( <i>Teller</i> )
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mrs Millar
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie

Mr Viney

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Question negated.

**13 EAST-WEST TUNNEL** — Ms Mikakos moved, That this House notes the —

- (1) Naphine Government's dud \$8 billion East-West tunnel will drain funds away from local schools, local hospitals, local public transport, local roads and other essential services and infrastructure in the Northern Metropolitan Region which are languishing under the Naphine Government;
  - (2) adverse impact this dud project will have on local residents' amenity;
- and calls on the Naphine Government to subject this project to the will of the Victorian people at the 2014 State election.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders the debate stood adjourned.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.42 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 140 — Thursday, 19 September 2013

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**CONSUMER UTILITIES ADVOCACY CENTRE LIMITED** — Mr Guy moved, by leave, That there be laid before this House a copy of the report of the Consumer Utilities Advocacy Centre Limited for 2012-13.

Question — put and agreed to.

The Report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**WANGARATTA RURAL CITY COUNCIL — INSPECTOR OF MUNICIPAL ADMINISTRATION REPORT** — Mr Guy moved, by leave, That there be laid before this House a copy of the report of the Inspector of Municipal Administration on the monitoring of the operation and governance of Wangaratta Rural City Council.

Question — put and agreed to.

The Report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**WANGARATTA RURAL CITY COUNCIL — REPORT OF MR BILL SCALES, AO** — Mr Guy moved, by leave, That there be laid before this House a copy of the report of Mr Bill Scales, AO, on a review of reports and documents and the provision of advice in relation to the Wangaratta Rural City Council.

Question — put and agreed to.

The Report was presented by Mr Guy and ordered to lie on the Table.

**OFFICE OF THE PUBLIC ADVOCATE** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the report of the Office of the Public Advocate for 2012-13.

Question — put and agreed to.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIA LAW FOUNDATION** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the report of the Victoria Law Foundation for 2012-13.

Question — put and agreed to.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

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

Accident Compensation Conciliation Service — Report, 2012-13.

Barwon Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Commissioner for Law Enforcement Data Security — Report, 2012-13.

Confiscation Act 1997 — Report, 2012-13, from the Chief Commissioner of Police pursuant to section 139A of the Act.

Country Fire Authority — Report, 2012-13.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Docklands Studios Melbourne Pty Ltd — Report, 2012-13.

East Gippsland Catchment Management Authority — Report, 2012-13.

Emerald Tourist Railway Board — Report, 2012-13.

Environment Protection Authority — Report, 2012-13.

Environment and Primary Industries Department — Report, 2012-13.

Essential Services Commission — Report, 2012-13.

Fed Square Pty Ltd — Report, 2012-13.

Film Victoria — Report, 2012-13.

Forensic Leave Panel — Report, 2012.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Glenelg Hopkins Catchment Management Authority — Report, 2012-13.

Goulburn Broken Catchment Management Authority — Report, 2012-13.

Grampians Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Growth Areas Authority — Report, 2012-13.

Highlands Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Mallee Catchment Management Authority — Report, 2012-13.

Melbourne and Olympic Parks Trust — Report, 2012-13.

Melbourne Convention and Exhibition Trust — Report, 2012-13.

Metropolitan Fire and Emergency Services Board — Report, 2012-13.

Mildura Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2012-13 report.

North East Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Northern Victoria Fresh Tomato Industry Development Committee — Minister's report of receipt of 2012-13 report.

Office of the Victorian Privacy Commissioner — Report, 2012-13.

Parks Victoria — Report, 2012-13.

Parliamentary Committees Act 2003 —

Government Response to the Drugs and Crime Prevention Committee's Report into Strategies to Reduce Assaults in Public Places in Victoria.

Government Response to the Education and Training Committee's Report into Agricultural Education and Training.

Government Response to the Rural and Regional Committee's Report into Impact of Food Safety Regulation on Farms and Other Businesses.

Phytogene Pty Ltd — Minister's report of receipt of 2012-13 report.

Police Appeals Board — Report, 2012-13.

Port of Hastings Development Authority — Report, 2012-13.

Port of Melbourne Corporation — Report, 2012-13.

Primary Industries Department — Report, 2012-13.

Public Transport Development Authority — Report, 2012-13.

South West Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

State Electricity Commission of Victoria — Report 2012-13.

State Services Authority — Report, 2012-13.

State Sport Centres Trust — Report, 2012-13.

Sustainability Victoria — Report, 2012-13.

Transport Ticketing Authority — Report, 2012-13.

Trust for Nature (Victoria) — Report, 2012-13.

Victoria Police — Report, 2012-13.

Victorian Civil and Administrative Tribunal — Report, 2012-13.

Victorian Government Purchasing Board — Report, 2012-13.

Victorian Institute of Forensic Mental Health — Report, 2012-13.

Victorian Regional Channels Authority — Report, 2012-13.

Victorian WorkCover Authority — Report, 2012-13.

VITS Languagelink — Report, 2012-13.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 15 October 2013.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 6 CATCHMENT AND LAND PROTECTION AMENDMENT BILL 2013** — 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.

- 7 CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**SWINBURNE UNIVERSITY LILYDALE CAMPUS** — Mr Hall having given answers to a question without notice and supplementary question relating to Swinburne University Lilydale Campus —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**RESPONSIBLE GAMING VENUES** — Mr O'Donohue having given an answer to a question without notice relating to responsible gaming venues —

On the motion of Ms Hartland, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Hartland moved, That the Children, Youth and Families Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 12 November 2013.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney  
Mr Viney

Question 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.

- 10 LOCAL GOVERNMENT (RURAL CITY OF WANGARATTA) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Rural City of Wangaratta Council and provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.

On the motion of Mr O'Donohue (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

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

- 11 SUCCESSION TO THE CROWN (REQUEST) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

- 12 LOCAL GOVERNMENT (RURAL CITY OF WANGARATTA) BILL 2013** — 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 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.

- 13 RADIATION AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Radiation Act 2005 to further provide for security plans for the possession and transportation of high consequence sealed sources and high consequence groups of sealed sources, to prohibit the commercial operation of tanning units and to empower the Secretary to issue improvement notices and prohibition notices for contraventions or likely contraventions of that Act and regulations made under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Jennings), the debate was adjourned for one week.

- 14 SUPERANNUATION LEGISLATION AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988 and the Transport Superannuation Act 1988, to repeal The Constitution Act Amendment Act 1958 and the Parliamentary Contributory Superannuation Act 1962 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr Rich-Phillips), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 15 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Co-operatives National Law Application Act 2013, the Estate Agents Act 1980, the Interpretation of Legislation Act 1984 and the Residential Tenancies Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

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

- 16 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.19 p.m., adjourned until Tuesday, 15 October 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 138, 139 and 140

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Tuesday, 17 September 2013

### 1 ROAD LEGISLATION AMENDMENT (USE AND DISCLOSURE OF INFORMATION AND OTHER MATTERS) BILL 2013

Clauses 1 to 6 — put and agreed to.

Clause 7 — Mr Tee moved —

1. Clause 7, page 19, after line 16 insert—

**"90R Discovery of documents for purpose of recovery of private car park fees**

- (1) A preliminary discovery order does not operate to require the Corporation to produce any document that contains relevant information if the order is made for the purpose of the recovery of private car park fees.
- (2) A preliminary discovery order is considered to be for the purpose of the recovery of private car park fees if the order is in connection with ascertaining the identity or whereabouts of a person for the purpose of commencing proceedings against the person for the recovery of private car park fees or is otherwise in connection with the commencement of proceedings for the recovery of private car park fees.
- (3) In this section—

**preliminary discovery order** means an order made by a court requiring a person to make discovery of documents to assist the applicant for the order to ascertain the description of another person sufficient for the purpose of commencing a proceeding in the court against that other person;

**private car park fee** means any amount alleged to be payable under the terms and conditions of a contract, arrangement or understanding in relation to the use of a car park (such as an amount payable for the use of the car park and including an amount payable for breaching those terms and conditions), but does not include an amount alleged to be payable under the terms and conditions of a contract that is in writing and signed by the relevant parties."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Ms Broad  
Ms Darveniza  
Mr Elasmar  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos (*Teller*)  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

NOES, 19

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 27** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 19 September 2013

### 1 CHILDREN, YOUTH AND FAMILIES AMENDMENT BILL 2013

**Clauses 1 to 82** — put and agreed to.

**Bill reported without amendment.**

### 2 LOCAL GOVERNMENT (RURAL CITY OF WANGARATTA) BILL 2013

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Mr Barber moved —

1. Clause 10, line 24, omit "2016" and insert "2014".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek

Mr Tarlamis  
Mr Tee  
Ms Tierney  
Mr Viney

Amendment negatived.

Clause 10 — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 141, 142 and 143

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#### No. 141 — Tuesday, 15 October 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 24 September 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Catchment and Land Protection Amendment Act 2013*
  - Children, Youth and Families Amendment Act 2013*
  - Local Government (Rural City of Wangaratta) Act 2013*
  - Plant Biosecurity Amendment Act 2013*
  - Road Legislation Amendment (Use and Disclosure of Information and Other Matters) Act 2013*
  - Road Safety and Sentencing Acts Amendment Act 2013.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**PRISON BED CAPACITY** — Mr O'Donohue having given an answer to a question without notice relating to prison bed capacity —  
On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.
- 4 **PETITION — LAW REFORM COMMISSION GUARDIANSHIP FINAL REPORT** —  
Mr Scheffer presented a Petition bearing 153 signatures from certain citizens of Victoria requesting that the Government consider the recommendations of the Victorian Law Reform Commission's *Guardianship: Final Report*, in particular, those concerning co-decision making, guardianship and succession planning.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —  
**STATUTE LAW REVISION BILL 2013** — Mr Dalla-Riva presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2013 (including an Appendix).  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*
- ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Australian Centre for the Moving Image — Report, 2012-13.

Australian Crime Commission — Report under section 30L of the Surveillance Devices Act 1999, 2012-13.

CenITex — Report, 2012-13.

Commission for Children and Young People — Report, 2012-13.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2012-13 report.

Community Visitors — Report, 2012-13.

Corangamite Catchment Management Authority — Report, 2012-13.

Council of Trustees of the National Gallery of Victoria — Report, 2012-13.

Crown Land (Reserves) Act 1978 — Minister's Order of 24 September 2013 giving approval to the granting of a licence at Maldon Historic Area.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2012-13.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2012-13.

Education and Early Childhood Development Department — Report, 2012-13, together with Victorian Skills Commission Report 1 July 2012 to 31 December 2012.

Emergency Services Telecommunications Authority — Report, 2012-13.

Environment Protection Act 1970 — Order in Council of 24 September 2013 varying the State Environment Protection Policy (Prevention and Management of Contamination of Land).

Fire Services Commissioner — Report, 2012-13.

Geelong Performing Arts Centre Trust — Report, 2012-13.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Greyhound Racing Victoria — Report, 2012-13.

Harness Racing Victoria — Report, 2012-13.

Human Services Department — Report, 2012-13.

Independent Broad-based Anti-corruption Commission — Report, 2012-13.

Judicial College of Victoria — Report, 2012-13.

Legal Practitioners Liability Committee — Report, 2012-13.

Library Board of Victoria — Report, 2012-13.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2012-13.

Melbourne Market Authority — Report, 2012-13.

Melbourne Recital Centre Ltd — Report, 2012-13.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2013 and Summary of Variations notified between 25 June 2013 and 30 September 2013 and Summary of Primary Return, September 2013.

Metropolitan Waste Management Group — Report, 2012-13.

Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Museums Board of Victoria — Report, 2012-13.

National Environment Protection Council — Report of the Third Review of the National Environment Protection Council Acts (Commonwealth, State and Territory), December 2012 and the National Environment Protection Council's Response to that Review, April 2013.

North Central Catchment Management Authority — Report, 2012-13.

North East Catchment Management Authority — Report, 2012-13.

Office of Police Integrity — Report for the period 1 July 2012 to 9 February 2013.

Office of Public Prosecutions — Report, 2012-13.

- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Bayside Planning Scheme — Amendments C87 and C123.
  - Campaspe Planning Scheme — Amendment C69.
  - Casey Planning Scheme — Amendment C163.
  - Colac Otway Planning Scheme — Amendment C72 Part 2.
  - Darebin Planning Scheme — Amendment C108 Part 1.
  - Glen Eira Planning Scheme — Amendment C112.
  - Greater Bendigo Planning Scheme — Amendment C192.
  - Greater Dandenong Planning Scheme — Amendment C179.
  - Greater Geelong Planning Scheme — Amendments C67 and C264.
  - Greater Shepparton Planning Scheme — Amendments C110 and C121.
  - Melbourne Planning Scheme — Amendment C218.
  - Melton Planning Scheme — Amendments C134 and C149.
  - Moirra Planning Scheme — Amendments C51 and C74.
  - Moreland Planning Scheme — Amendments C122 and C148.
  - Mornington Peninsula Planning Scheme — Amendment C170.
  - Murrindindi Planning Scheme — Amendment C49.
  - South Gippsland Planning Scheme — Amendments C72 and C84.
  - Stonington Planning Scheme — Amendment C167.
  - Surf Coast Planning Scheme — Amendment C78.
  - Towong Planning Scheme — Amendment C29.
  - Warrnambool Planning Scheme — Amendment C77.
  - Whitehorse Planning Scheme — Amendment C123.
  - Wodonga Planning Scheme — Amendments C94 and C107.
  - Wyndham Planning Scheme — Amendments C86, C148 and C168.
- Port Phillip and Westernport Catchment Management Authority — Report, 2012-13.
- Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2012-13.
- Public Record Office Victoria — Report, 2012-13.
- Roads Corporation — Report, 2012-13.
- Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2012-13.
- Rolling Stock Holdings (VL-1) Pty Ltd — Minister's report of receipt of 2012-13 report.
- Rolling Stock Holdings (VL-2) Pty Ltd — Minister's report of receipt of 2012-13 report.
- Rolling Stock Holdings (VL-3) Pty Ltd — Minister's report of receipt of 2012-13 report.
- Rolling Stock (Victoria-VL) Pty Ltd — Report, 2012-13.
- Sentencing Advisory Council — Report, 2012-13.
- State Development, Business and Innovation Department — Report, 2012-13.
- Statutory Rules under the following Acts of Parliament:
- Conservation, Forests and Lands Act 1987 — No. 116.
  - County Court Act 1958 — No. 122.
  - Crimes (Controlled Operations ) Act 2004 — No. 123.
  - Infringements Act 2006 — No. 114.
  - Magistrates' Court Act 1989 — Nos. 120 and 121.
  - National Parks Act 1975 — No. 115.
  - Road Safety Act 1986 — No. 118.
  - Supreme Court Act 1986 — Nos. 117 and 119.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 114 to 118 and 120 to 122.
  - Legislative Instruments and related documents under section 16B in respect of an Amendment to the Declaration of Dingo to be unprotected wildlife of 24 September 2013 made under section 7A of the Wildlife Act 1975.
- Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2012-13.
- Taxi Services Commission — Minister's report of receipt of 2012-13 report.

Transport Accident Commission — Report, 2012-13.  
 V/Line Corporation — Report, 2012-13.  
 V/Line Pty Ltd — Report, 2012-13.  
 Victims of Crime Assistance Tribunal — Report, 2012-13.  
 Victoria Legal Aid — Report, 2012-13.  
 Victoria Police — Chief Commissioner — Report under section 30L of the Surveillance  
 Devices Act 1999, 2012-13.  
 Victoria State Emergency Service Authority — Report, 2012-13.  
 Victorian Arts Centre Trust — Report, 2012-13.  
 Victorian Catchment Management Council — Report, 2012-13.  
 Victorian Commission for Gambling and Liquor Regulation — Report, 2012-13.  
 Victorian Environmental Water Holder — Minister's report of receipt of 2012-13 report.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2012-13.  
 Victorian Funds Management Corporation — Report, 2012-13.  
 Victorian Law Reform Commission —  
 Final Report on Succession Laws.  
 Report, 2012-13.  
 Victorian Rail Track — Report, 2012-13.  
 Victorian Responsible Gambling Foundation — Report, 2012-13.  
 West Gippsland Catchment Management Authority — Report, 2012-13.  
 West Gippsland Healthcare Group — Report, 2012-13.  
 Wimmera Catchment Management Authority — Report, 2012-13.

\* \* \* \* \*

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

Company Titles (Home Units) Act 2013 — 1 October 2013 (Gazette No. S337, 24  
 September 2013).  
 Fortification Removal Act 2013 — 6 October 2013 (Gazette No. S341, 1 October 2013).  
 Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Act  
 2013 — 25 September 2013 (Gazette No. S337, 24 September 2013).  
 Sustainable Forests (Timber) Amendment Act 2013 — except section 17 and Division 2 of  
 Part 2 — 1 October 2013 (Gazette No. S337, 24 September 2013).

\* \* \* \* \*

**ANNUAL FINANCIAL REPORT FOR THE STATE OF VICTORIA** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Annual Financial Report for the State of Victoria, 2012-13, incorporating Quarterly Financial Report No. 4 for the period ended 30 June 2013.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 16 October 2013:

- (1) Order of the Day No. 5, resumption of debate on the second reading of the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013;
- (2) Notice of Motion No. 646 standing in the name of Mr Lenders relating to new hospital beds promised at the 2010 State Election;
- (3) the Notice of Motion given this day by Mr Somyurek relating to employment in the Victorian manufacturing sector;
- (4) the Notice of Motion given this day by Mr Barber to introduce the Residential Tenancies Amendment (Housing Standards) Bill 2013; and
- (5) Notice of Motion No. 601 standing in the name of Mr Barber relating to the funding of the Doncaster Rail line.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion and Order of the Day, Government Business, No. 1, be postponed until later this day.

- 9 RADIATION AMENDMENT BILL 2013** — 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.

- 10 WYNDHAM PLANNING SCHEME AMENDMENT C156** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Wyndham Planning Scheme Amendment C156 be ratified.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza

Mr Dalla-Riva (*Teller*)

Mr Eideh (*Teller*)

Mr D.M. Davis

Mr Elasmarr (*Teller*)

Mr P.R. Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Melhem

Mr Hall

Ms Mikakos

Mr Koch

Ms Pennicuik

Mrs Kronberg

Ms Pulford

Ms Lovell

Mr Scheffer

Mrs Millar

Mr Somyurek

Mr O'Brien (*Teller*)

Mr Tarlamis

Mr O'Donohue

Mr Tee

Mrs Peulich

Ms Tierney

Mr Ramsay

Mr Rich-Phillips

Question agreed to.

- 11 GREATER DANDENONG PLANNING SCHEME AMENDMENT C174 AND FRANKSTON PLANNING SCHEME AMENDMENT C93** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Greater Dandenong Planning Scheme Amendment C174 and Frankston Planning Scheme Amendment C93 be ratified.

Debate ensued.

Question — put and agreed to.

- 12 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2013** — 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 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**14 OPEN COURTS BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

**15 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.17 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 142 — Wednesday, 16 October 2013

1 The President took the Chair and read the Prayer.

2 **PETITION — SWINBURNE FACILITIES** — Mr Scheffer presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Government ensures the Swinburne Lilydale TAFE and University facilities remain solely for educational purposes and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

Ordered to lie on the Table.

3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2013-14 BUDGET ESTIMATES PART TWO** — Mr Ondarchie presented a Report from the Public Accounts and Estimates Committee on the 2013-14 Budget Estimates Part Two (including Appendices and Extracts from the Proceedings of the Committee).

Ordered to lie on the Table and to be printed.

Mr Ondarchie moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Implementation of the Strengthening Community Organisations Action Plan, October 2013.

Prevention and Management of Drug Use in Prisons, October 2013.

Emergency Services Superannuation Board — Report, 2012-13.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2013.

Ombudsman — Report on the Investigation into the constitutional validity of aspects of Victoria's new integrity legislation, October 2013.

Parliamentary Contributory Superannuation Fund — Report, 2012-13.

VicForests — Report, 2012-13.

Victorian Inspectorate —

Report 2012-13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Department of Primary Industries.

Report 2012-13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Department of Sustainability and Environment.

Report 2012-13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Independent Broad-based Anti-corruption Commission.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 FIRE SERVICES LEVY MONITOR AMENDMENT (INSURING FAIR AND EQUITABLE LEVIES) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 FIRE SERVICES LEVY MONITOR AMENDMENT (INSURING FAIR AND EQUITABLE LEVIES) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik (*Teller*)  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 646 and 653, be postponed until later this day.

**9 RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2013** — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to the imposition of certain minimum housing standards and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

On the motion of Mrs Coote, the debate was adjourned for two weeks.

**10 DONCASTER RAIL LINE** — Mr Barber moved, That this House calls on the Napthine Government to immediately allocate funding for development of the Doncaster Rail line.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mrs Coote
Ms Broad	Ms Crozier ( <i>Teller</i> )
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Mr Melhem ( <i>Teller</i> )	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

**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 BUSINESS OF THE HOUSE** — Mr Leane moved, by leave, That Statements on Reports and Papers be now taken.

Question — put and agreed to.

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 COURTS LEGISLATION AMENDMENT (JUDICIAL OFFICERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958 and the Magistrates' Court Act 1989 to provide for part-time judicial service, to provide for the office of reserve associate judge and reserve coroner and further provide for reserve judges and reserve magistrates, to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to remuneration of non-judicial members, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy (for Mr O'Donohue), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**15 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.17 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

**No. 143 — Thursday, 17 October 2013**

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Architects Registration Board of Victoria — Minister's report of receipt of 2012-13 report.
  - Building Commission — Report, 2012-13.
  - Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2012-13.
  - Consumer Affairs Victoria — Report, 2012-13.
  - Crown Land (Reserves) Act 1978 — Minister's Order of 19 August 2013 giving approval to the granting of a lease at Victoria Park Reserve.
  - Electoral Boundaries Commission — Report on the 2012-13 Redivision of Electoral Boundaries.
  - Freedom of Information Commissioner — Report, 2012-13.
  - Justice Department — Report, 2012-13.
  - Mallee Track Health and Community Service — Report, 2012-13.
  - Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Flood Mitigation Infrastructure in Victoria.
  - Places Victoria — Report, 2012-13.
  - Plumbing Industry Commission — Report, 2012-13.
  - Residential Tenancies Bond Authority — Report, 2012-13.
  - Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —
    - Specification of relevant court pursuant to section 126 of the Family Violence Protection Act 2008 for the making of counselling orders in relation to the Frankston venue of the Magistrates' Court of Victoria.
    - Specification of relevant court pursuant to section 126 of the Family Violence Protection Act 2008 for the making of counselling orders in relation to the Moorabbin venue of the Magistrates' Court of Victoria.
    - Specification of postcode area of residence of respondents pursuant to section 128(B) of the Family Violence Protection Act 2008 for the making of counselling orders in relation to the Frankston Venue of the Magistrates' Court of Victoria.
    - Specification of postcode area of residence of respondents pursuant to section 128(B) of the Family Violence Protection Act 2008 for the making of counselling orders in relation to the Moorabbin Venue of the Magistrates' Court of Victoria.
  - Terang and Mortlake Health Service — Report, 2012-13.
  - The Greater Metropolitan Cemeteries Trust — Report, 2012-13.
  - The Royal Victorian Eye and Ear Hospital — Report, 2012-13.
  - Victorian Institute of Forensic Medicine — Report, 2012-13.
- 3 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 29 October 2013.  
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 **COURTS LEGISLATION AMENDMENT (JUDICIAL OFFICERS) BILL 2013** —  
Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.  
Mr O'Donohue moved, That the Bill be now read a second time.  
On the motion of Ms Mikakos, the debate was adjourned for one week.

- 7 OPEN COURTS BILL 2013** — 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 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.
- 8 SUPERANNUATION LEGISLATION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**CRIME PREVENTION** — Mr O'Donohue having given an answer to a question without notice relating to crime prevention —  
 On the motion of Mr Lenders, the Minister's answer was ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 10 SUPERANNUATION LEGISLATION AMENDMENT BILL 2013** — 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 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.
- 11 SESSIONAL ORDERS** — Leave having been granted for Mr D.M. Davis to move his motion in an amended form, Mr D.M. Davis moved, That the Sessional Orders adopted by the Council on 11 October 2011 be amended as follows:

Insert the following new Sessional Order after Sessional Order 3 —

**'PROCEDURAL MOTIONS**

4. In Standing Order 6.13 insert —

“(l) a motion to refer a Bill in Government Business to a Standing or Select committee or any other parliamentary committee pursuant to Standing Order 14.11(a).”.

Debate ensued.

Question — put and agreed to.

- 12 LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE** — Mr D.M. Davis moved, That the Resolution of the Council of 23 October 2012 requiring the Legal and Social Issues Legislation Committee to inquire into and report by 29 November 2013 on the performance of the Australian Health Practitioner Regulation Agency be amended so as to now require the Committee to present its report by 13 March 2014.

Debate ensued.

Question — put and agreed to.

- 13 SUCCESSION TO THE CROWN (REQUEST) BILL 2013** — 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.

- 14 WORKPLACE INJURY REHABILITATION AND COMPENSATION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments certain provisions of the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993, to provide for the registration of employers and the payment of WorkCover premiums, to amend the Accident Compensation Act 1985, to repeal the Accident Compensation (WorkCover Insurance) Act 1993, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Rich-Phillips made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

- 15 FISHERIES AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Fisheries Act 1995 to establish a Fisheries Advisory Council and make miscellaneous amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

- 16 TOBACCO AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in certain public outdoor areas, to restrict further the promotion and display of tobacco products, to make it an offence to threaten, assault or intimidate an inspector who is exercising a power under Part 3A of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

**17 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Professional Boxing and Combat Sports Act 1985, to make consequential amendments to the Casino Control Act 1991 and the Racing Act 1958 and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**18 CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 in relation to membership of the Adult Parole Board, making of parole decisions and notification of registered victims before release of a prisoner on parole and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**19 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.01 p.m., adjourned until Tuesday, 29 October 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 141, 142 and 143

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**Tuesday, 15 October 2013**

**1 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2013**

**Clauses 1 to 18** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 17 October 2013**

**1 OPEN COURTS BILL 2013**

**Clauses 1 to 17** — put and agreed to.

**Clause 18** — Ms Pennicuik moved —

1. Clause 18, line 32, omit "criminal".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Barber  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendment negated.

Ms Pennicuik moved —

2. Clause 18, page 16, line 3, omit "criminal".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 15

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Ms Pennicuik  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

Amendment negated.

Clause 18 — put and agreed to.

**Clauses 19 to 67** — put and agreed to.

**Bill reported without amendment.**

## 2 SUPERANNUATION LEGISLATION AMENDMENT BILL 2013

**Clauses 1 to 17** — put and agreed to.

**Clause 18** — Question — That Clause 18 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips

## NOES, 17

Mr Barber (*Teller*)  
 Ms Darveniza  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clause 19** — put and agreed to.

**Clause 20** — Question — That Clause 20 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis (*Teller*)  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 17

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

Question agreed to.

**Clause 21** — put and agreed to.

**Clause 22** — Question — That Clause 22 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 17

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clause 23** — put and agreed to.

**Clause 24** — Question — That Clause 24 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote (*Teller*)  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 17

Mr Barber  
 Ms Darveniza (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clause 25** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 144, 145 and 146

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#### No. 144 — Tuesday, 29 October 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 22 October 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Consumer Affairs Legislation Amendment Act 2013*
  - Open Courts Act 2013*
  - Radiation Amendment Act 2013*
  - Succession to the Crown (Request) Act 2013*
  - Superannuation Legislation Amendment Act 2013.*

3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

4 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 14 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

- Ballaarat General Cemeteries Trust — Minister's report of receipt of 2012-13 report.
- Beaufort and Skipton Health Service — Report, 2012-13.
- Casterton Memorial Hospital — Report, 2012-13.
- Cobram District Health — Report, 2012-13.
- Crown Land (Reserves) Act 1978 — Minister's Order of 10 October 2013 giving approval to the granting of a lease at Yarra Bend Park.
- EastLink Project Act 2004 — EastLink Third Amending Deed, 17 October 2013.
- Edenhope and District Memorial Hospital — Report, 2012-13.
- Inglewood and Districts Health Service — Report, 2012-13.
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 126.
- Legal Services Board and the Legal Services Commissioner — Report, 2012-13.
- Lorne Community Hospital — Report, 2012-13.
- Mildura Cemetery Trust — Minister's report of receipt of 2012-13 report.
- Nathalia District Hospital — Report, 2012-13.
- Numurkah District Health Service — Report, 2012-13.
- Omeo District Health — Report, 2012-13.

Orbost Regional Health — Report, 2012-13.

Otway Health and Community Services — Report, 2012-13.

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

Ballarat Planning Scheme — Amendment C171.

Brimbank Planning Scheme — Amendment C146.

East Gippsland Planning Scheme — Amendment C87.

Frankston Planning Scheme — Amendment C77.

Greater Geelong Planning Scheme — Amendment C242.

Melbourne Planning Scheme — Amendment C219.

Melton Planning Scheme — Amendments C135 and C141.

Stonnington Planning Scheme — Amendment C171.

Victoria Planning Provisions — Amendment VC102.

Wyndham Planning Scheme — Amendment C179.

Yarra Planning Scheme — Amendment C170.

Yarra Ranges Planning Scheme — Amendment C115.

Professional Standards Act 2003 — Institute of Chartered Accountants in Australia (Vic) Scheme, 3 October 2013.

Rochester and Elmore District Health Service — Report, 2012-13.

Rural Northwest Health — Report, 2012-13.

Statutory Rules under the following Acts of Parliament:

Charter of Human Rights and Responsibilities Act 2006 — No. 129.

Dangerous Goods Act 1985 — No. 125.

Major Transport Projects Facilitation Act 2009 — No. 130.

Mineral Resources (Sustainable Development) Act 1990 — No. 126.

Planning and Environment Act 1987 — No. 127.

Subdivision Act 1988 — No. 128.

Victorian Civil and Administrative Tribunal Act 1998 — No. 124.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 124 to 129.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2012-13 report.

The Queen Elizabeth Centre — Report, 2012-13.

Timboon and District Healthcare Service — Report, 2012-13.

Treasury and Finance Department — Report, 2012-13.

Upper Murray Health and Community Services — Report, 2012-13.

Victoria Police — Chief Commissioner — Report under section 21L of the Sex Work Act 1994, 2012.

Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2012-13 report.

Victorian Pharmacy Authority — Minister's report of receipt of 2012-13 report.

West Wimmera Health Service — Report, 2012-13.

Yarrawonga Health — Report, 2012-13.

Yea and District Memorial Hospital — Report, 2012-13.

**5 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 30 October 2013:

- (1) Notice of Motion No. 653 standing in the name of Mr Somyurek relating to manufacturing employment in Victoria;
- (2) Notice of Motion No. 621 standing in the name of Mr Tee referring a matter to the Economy and Infrastructure References Committee;
- (3) the Notice of Motion given this day by Mr Lenders calling on the Minister for Higher Education and Skills to continue advocating for Victorian educational outcomes;
- (4) Notice of Motion No. 646 standing in the name of Mr Lenders relating to new hospital beds promised at the 2010 State Election;

- (5) Notice of Motion No. 615 standing in the name of Ms Hartland relating to the production of certain documents detailing the Country Fire Authority's and Victorian WorkCover Authority's assessment for compensation for Victoria's firefighters; and
- (6) Notice of Motion No. 595 standing in the name of Ms Pennicuik relating to the Caulfield Racecourse Reserve.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**8 COURTS LEGISLATION AMENDMENT (JUDICIAL OFFICERS) BILL 2013** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

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

**10 FISHERIES AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber 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.

**11 CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2013** — 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.

**12 CARBON TAX** — Mr D.M. Davis moved, That this House —

- (1) notes the clear election commitments of the new Federal Coalition Government and their mandate to implement those commitments with respect to the carbon tax;
- (2) notes that any unreasonable delay in the implementation of this commitment will detrimentally impact —
  - (a) individuals, families, senior citizens and businesses; and
  - (b) hospitals, health services and other providers including public, private and not-for-profit health services;
- (3) supports the Federal Government's election commitment to abolish the carbon tax as soon as possible; and
- (4) calls on the Federal Opposition, other non-Government parties and Independents in the Federal Parliament to support the early abolition of the carbon tax.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Darveniza
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane
Mr Elsbury ( <i>Teller</i> )	Mr Lenders
Mr Guy	Mr Melhem
Mr Hall	Ms Mikakos
Mr Koch	Ms Pennicuik
Ms Lovell	Ms Pulford ( <i>Teller</i> )
Mrs Millar	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

**13 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.01 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 145 — Wednesday, 30 October 2013

- The President took the Chair and read the Prayer.
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Alexandra District Hospital — Report, 2012-13.
  - Auditor-General's Reports on —
    - Clinical ICT Systems in the Victorian Public Health Sector, October 2013.
    - Implementation of the Government Risk Management Framework, October 2013.
  - Beechworth Health Service — Report, 2012-13.
  - Benalla Health — Report, 2012-13.
  - Calvary Health Care Bethlehem Ltd — Report, 2012-13.
  - Colac Area Health — Report, 2012-13.
  - Dunmunkle Health Services — Report, 2012-13.
  - East Grampians Health Service — Report, 2012-13.
  - East Wimmera Health Service — Report, 2012-13.
  - Echuca Regional Health — Report, 2012-13.
  - Gippsland Southern Health Service — Report, 2012-13.
  - Hepburn Health Service — Report, 2012-13.
  - Hesse Rural Health Service — Report, 2012-13.
  - Heywood Rural Health — Report, 2012-13.
  - Kerang District Health — Report, 2012-13.
  - Kooweerup Regional Health Service — Report, 2012-13.
  - Mansfield District Hospital — Report, 2012-13.

Maryborough District Health Service — Report, 2012-13.

Moyne Health Services — Report, 2012-13.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2011-12 Financial and Performance Outcomes.

Portland District Health — Report, 2012-13.

South Gippsland Hospital — Report, 2012-13.

Stawell Regional Health — Report, 2012-13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 130.

The Kilmore and District Hospital — Report, 2012-13.

Tweddle Child and Family Health Service — Minister's report of receipt of 2012-13 report.

Western District Health Service — Report, 2012-13.

Wimmera Health Care Group — Report, 2012-13.

Yarram and District Health Service — Report, 2012-13.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 MANUFACTURING POLICY** — Mr Somyurek moved, That this House —

- (1) notes that total manufacturing employment in Victoria fell by 7.8 per cent (23,900 jobs) over the 12 month period ending 31 August 2013; and
- (2) condemns the Coalition Government for failing to utilize the policy instruments it has at its disposal to drive the Victorian manufacturing sector, thereby, contributing significantly to its decline.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**PAROLE SYSTEM** — Mr O'Donohue having given an answer to a question without notice relating to the parole system —

On the motion of Ms Pennicuik, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**BIOTECHNOLOGY** — Mr Rich-Phillips having given an answer to a question without notice relating to biotechnology —

On the motion of Mr Leane, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**6 MANUFACTURING POLICY** — Debate continued on the question, That this House —

- (1) notes that total manufacturing employment in Victoria fell by 7.8 per cent (23,900 jobs) over the 12 month period ending 31 August 2013; and
- (2) condemns the Coalition Government for failing to utilize the policy instruments it has at its disposal to drive the Victorian manufacturing sector, thereby, contributing significantly to its decline.

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

**7 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — MAJOR HAZARD FACILITIES** — Mr Tee moved, That this House —

- (1) notes —
  - (a) the increased inner urban housing development in Melbourne close to Major Hazard Facilities (MHF) including hundreds of new dwellings in the inner western region of Melbourne within 300 metres of a MHF;
  - (b) that since the 2005 explosion at a MHF in Buncefield, UK, where more than 40 people were injured, some seriously, thousands of people were evacuated, and property damage was recorded several kilometres from the scene, there has

- been increased recognition of the need for buffers for residential and other developments;
- (c) that there is only limited guidance from WorkSafe Victoria to help planning authorities assess the risks of new residential developments close to MHFs and that this material does not consider the risks associated with shipping, including the discharge and loading of vessels at MHFs, such as Point Gellibrand in Williamstown;
  - (d) that the Hobsons Bay City Council, covering at least 8 MHFs, has stated “There is no clear state government planning policy around MHF in Victoria”, and has asked for an urgent risk assessment;
  - (e) that at least one MHF operator has raised concerns regarding the issues of people safety in relation to hundreds of new dwellings planned within 300 metres of Mobil’s Point Gellibrand MHF; and
  - (f) the local community, local councils, MHF operators and others are concerned about the adequacy of existing regulation concerning the risks imposed by housing developments close to Major Hazard Facilities; and
- (2) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 11 March 2014 on the adequacy of existing planning and other regulations in Victoria to safeguard and protect residents living near Major Hazard Facilities, including recommending any changes and improvements to buffers and other legislative and regulatory changes.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Guy
Mr Melhem	Mr Hall
Ms Mikakos	Mr Koch
Ms Pennicuik ( <i>Teller</i> )	Mrs Kronberg ( <i>Teller</i> )
Ms Pulford	Ms Lovell
Mr Scheffer	Mrs Millar
Mr Somyurek	Mr O’Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O’Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 656 and 646, be postponed until later this day.
- 9 FIREFIGHTERS ACTUARIAL ASSESSMENTS** — Ms Hartland moved, That this House requires the Leader of the Government to table in the Legislative Council by Tuesday, 17 September 2013, a copy of documents detailing the Country Fire Authority and the Victorian WorkCover Authority actuarial assessment and cost estimates to provide compensation for Victoria’s firefighters injured or deceased as a result of exposure to carcinogens on the job.

Debate ensued.

Ms Pennicuik moved, as an amendment, That “17 September” be omitted with the view of inserting in its place “26 November”.

Debate ensued.

Question — That the amendment moved by Ms Pennicuik be agreed to — put and agreed to.

Question, That this House requires the Leader of the Government to table in the Legislative Council by Tuesday, 26 November 2013, a copy of documents detailing the Country Fire Authority and the Victorian WorkCover Authority actuarial assessment and cost estimates to provide compensation for Victoria’s firefighters injured or deceased as a result of exposure to carcinogens on the job.

— put and agreed to.

**10 CAULFIELD RACECOURSE RESERVE** — Ms Pennicuik moved, That this House notes that —

- (1) the recommendations of the 2008 report of the Select Committee on Public Land Development regarding Caulfield Racecourse Reserve have not been fully implemented;
- (2) Glen Eira City Council has been advocating for better public access and various improvements at Caulfield Racecourse Reserve for many years and on 19 March 2013 adopted, by resolution, a position statement on Crown Land at Caulfield Racecourse Reserve which stated that the Crown Land is reserved by law for three purposes —
  - (a) a racecourse;
  - (b) a public recreation ground; and
  - (c) a public park;
- (3) the first purpose, a racecourse, is well catered for, but the other purposes are not;
- (4) the Crown Land should be managed to achieve all three purposes equally, and that to achieve this, Glen Eira Council listed ten actions that need to occur, including the —
  - (a) allocation of land for public recreation;
  - (b) removal of horse training and car parking from the Crown Land;
  - (c) removal of visual barriers (fencing) to the Crown Land;
  - (d) provision of suitable access points; and
  - (e) reinvestment of income from commercial purposes to be used for public purposes;
- (5) the most significant barrier to achievement of these actions over many years has been the inappropriate and out-dated governance structure that has been allowed to continue by successive State Governments; and
- (6) calls on this State Government to —
  - (a) amend the membership of the trustees of Caulfield Racecourse Reserve to reduce the number of racing industry representation, include more community representation and retain representatives of Glen Eira City Council;
  - (b) ensure that the trustees of the Caulfield Racecourse Reserve comply with DSE Guidelines for Committees of Management of Crown Land and that the meetings, decisions and actions of the Trustees are open and transparent;
  - (c) ensure that the governance arrangements over the Crown Land achieve the equal purposes of a race course, public recreation and public park; and
  - (d) ensure that all financial arrangements and transactions associated with the Caulfield Racecourse Reserve subject to audit by the Victorian Auditor General’s Office.

Debate ensued.

*Business having been interrupted at 5:30 p.m. pursuant to Standing Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

**12 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.55 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 146 — Thursday, 31 October 2013

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**PROJECT SUMMARY — BENDIGO HOSPITAL PROJECT** — Mr D.M. Davis moved, by leave, That there be laid before this House a copy of the Project Summary for the Bendigo Hospital Project, October 2013.

Question — put and agreed to.

The Report was presented by Mr D.M. Davis and ordered to lie on the Table.

\* \* \* \* \*

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

Albury Wodonga Health — Report, 2012-13.

Alfred Health — Report, 2012-13.

Alpine Health — Report, 2012-13.

Ambulance Victoria — Report, 2012-13.

Austin Health — Report, 2012-13.

Bairnsdale Regional Health Service — Report, 2012-13.

Ballarat Health Services — Report, 2012-13.

Barwon Health — Report, 2012-13.

Bass Coast Regional Health — Report, 2012-13.

Bendigo Cemeteries Trust — Minister's report of receipt of 2012-13 report.

Bendigo Health Care Group — Report, 2012-13.

Castlemaine Health — Report, 2012-13.

Central Gippsland Health Service — Report, 2012-13.

Dental Health Services Victoria — Report, 2012-13.

Djerriwarrh Health Services — Report, 2012-13.

Eastern Health — Report, 2012-13.

Goulburn Valley Health — Report, 2012-13.

Health Department — Report, 2012-13.

Health Services Commissioner — Report, 2012-13.

Heathcote Health — Report, 2012-13.

Kyabram and District Health Services — Report, 2012-13.

Kyneton District Health Service — Report, 2012-13.

Latrobe Regional Hospital — Report, 2012-13.

Melbourne Health — Report, 2012-13.

Mercy Public Hospitals Incorporated — Report, 2012-13.

Monash Health — Report, 2012-13.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on a proposed excision from Mount Buffalo National Park, pursuant to section 11(3) of the Act.

Northeast Health Wangaratta — Report, 2012-13.

Northern Health — Report, 2012-13.

Peninsula Health — Report, 2012-13.

Peter MacCallum Cancer Centre — Report, 2012-13.

Royal Children's Hospital — Report, 2012-13.

Royal Women's Hospital — Report, 2012-13.

Seymour Health — Report, 2012-13.

South West Healthcare — Report, 2012-13.

St. Vincent's Hospital (Melbourne) Limited — Report, 2012-13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 123.

Tallangatta Health Service — Report, 2012-13.

Western Health — Report, 2012-13.

- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 12 November 2013.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 6 TOBACCO AMENDMENT BILL 2013** — 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 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.

- 7 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2013** — Debate continued 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.

- 10 WORKPLACE INJURY REHABILITATION AND COMPENSATION BILL 2013** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 11 TRANSPORT ACCIDENT AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make amendments to the Transport Accident Act 1986 to further improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 12 TRANSPORT ACCIDENT FURTHER AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986 to enable the introduction of a fixed cost model for any claim, application or proceeding under section 93 by Order of the Governor in Council and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Rich-Phillips made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 13 STATE TAXATION AND FINANCIAL LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Commonwealth Places (Mirror Taxes Administration) Act 1999, the Duties Act 2000, the Financial Management Act 1994, the Land Tax Act 2005, the Taxation Administration Act 1997 and the Unclaimed Money Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 14 ROAD LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 in relation to the demerit point scheme, licensing and registration and other matters, to amend the Heavy Vehicle National Law Application Act 2013 in relation to miscellaneous matters and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Melhem), the debate was adjourned for one week.

- 15 STATUTE LAW REVISION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Elasmarr), the debate was adjourned for one week.

- 16 COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Births, Deaths and Marriages Registration Act 1996, the Court Security Act 1980, the Legal Profession Act 2004, the Magistrates' Court Act 1989, the Police Regulation Act 1958, the Supreme Court Act 1986 and the Terrorism (Community Protection) Act 2003, to repeal the Courts Legislation (Neighbourhood Justice Centre) Act 2006, to amend other Acts to update redundant references to the Federal Magistrates Court and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 17 EMERGENCY MANAGEMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish new governance arrangements for emergency management in Victoria, to repeal the Fire Services Commissioner Act 2010, to consequentially amend emergency management legislation and certain other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 18 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.08 p.m., adjourned until Tuesday, 12 November 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 144, 145 and 146

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Tuesday, 29 October 2013

### 1 FISHERIES AMENDMENT BILL 2013

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Mr Barber moved —

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 4, page 3, line 12, omit "14" and insert "15".
2. Clause 4, page 4, line 20, omit "." and insert ";
3. Clause 4, page 4, after line 20 insert—  
"() one member from a relevant conservation group who, in the opinion of the Minister, represents the community interest in the protection of aquatic ecosystems."

Question — That it be a suggestion to the Assembly that they make the amendments in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 34

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer

Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

Question negatived.

Mr Barber moved —

1. Clause 4, page 7, line 17, before "The" insert "(1)".
2. Clause 4, page 7, after line 20 insert—  
 "( ) The Minister must lay before each House of the Parliament a copy of a report under subsection (1) on or before the 6th sitting day after receiving that report."

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

<p>AYES, 17</p> <p>Mr Barber            Ms Darveniza (<i>Teller</i>)            Mr Eideh            Mr Elasmar            Mr Jennings            Ms Hartland (<i>Teller</i>)            Mr Leane            Mr Lenders            Mr Melhem            Ms Mikakos            Ms Pennicuik            Ms Pulford            Mr Scheffer            Mr Somyurek            Mr Tarlamis            Mr Tee            Ms Tierney</p>	<p>NOES, 19</p> <p>Mrs Coote (<i>Teller</i>)            Ms Crozier            Mr Dalla-Riva            Mr D.M. Davis            Mr P.R. Davis            Mr Drum            Mr Elsbury            Mr Guy            Mr Hall            Mr Koch            Mrs Kronberg            Ms Lovell            Mrs Millar            Mr O'Brien            Mr O'Donohue            Mr Ondarchie (<i>Teller</i>)            Mrs Peulich            Mr Ramsay            Mr Rich-Phillips</p>
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Amendments negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 12** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 31 October 2013

### 1 TOBACCO AMENDMENT BILL 2013

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Hartland moved —

1. Clause 4, line 5, omit "definition" and insert "definitions".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

<p>AYES, 3</p> <p>Mr Barber            Ms Hartland (<i>Teller</i>)</p>	<p>NOES, 35</p> <p>Mr Atkinson            Ms Broad</p>
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Ms Pennicuik (*Teller*)

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negatived.

Clause 4 — put and agreed to.

**Clause 5** — Ms Hartland moved —

5. Clause 5, page 6, line 28, after "during" insert "the prohibited smoking period in relation to".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Guy  
 Mr Hall

Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos (*Teller*)  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 13** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 147, 148 and 149

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#### No. 147 — Tuesday, 12 November 2013

- 1 The President took the Chair and read the Prayer.
- 2 **TYPHOON HAIYAN, DISASTER IN THE PHILIPPINES** — Mr D.M. Davis moved, by leave, That this House —
  - (1) offers its deepest and most sincere condolences to the Government and people of the Philippines following the catastrophic effects of Typhoon Haiyan;
  - (2) notes that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;
  - (3) recognises the significant Philippines community in Victoria and the strong family and cultural bonds that exist; and
  - (4) joins with all the people of the State of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of the Philippines from this calamity.And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 6 November 2013 —
    - Corrections Amendment (Parole Reform) Act 2013*
    - Courts Legislation Amendment (Judicial Officers) Act 2013*
    - Fisheries Amendment Act 2013*
    - Professional Boxing and Combat Sports Amendment Act 2013*
    - Tobacco Amendment Act 2013.*
  - On 12 November 2013 —
    - Workplace Injury Rehabilitation and Compensation Act 2013.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —  
**VICTORIAN LAW REFORM COMMISSION — BIRTH REGISTRATION AND BIRTH CERTIFICATES** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission's Report on Birth Registration and Birth Certificates, August 2013.  
Question — put and agreed to.  
The Report was presented by Mr O'Donohue and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 15 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — MUSIC EDUCATION IN VICTORIAN SCHOOLS** — Mrs Kronberg presented a Report from the Education and Training Committee on the Extent, Benefits and Potential of Music Education in Victorian Schools (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Kronberg moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Australian Health Practitioner Regulation Agency — Report, 2012-13.

Calder Regional Waste Management Group — Minister's report of receipt of 2012-13 report.

Gambling Regulation Act 2003 — Amendments to the Category 1 Public Lottery Licence and an Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2012-13 report.

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

Ararat Planning Scheme — Amendment C27.

Banyule Planning Scheme — Amendment C97.

Boroondara Planning Scheme — Amendments C158 and C187.

Campaspe Planning Scheme — Amendment C96.

Corangamite Planning Scheme — Amendment C31.

Greater Geelong Planning Scheme — Amendments C268 and C286.

Manningham Planning Scheme — Amendment C99.

Moonee Valley Planning Scheme — Amendments C131 and C135.

Northern Grampians Planning Scheme — Amendment C15.

Pyrenees Planning Scheme — Amendment C37.

South Gippsland Planning Scheme — Amendment C77 Part 1.

Strathbogie Planning Scheme — Amendment C57.

Wyndham Planning Scheme — Amendment C184.

Yarra Ranges Planning Scheme — Amendments C117 and C124.

Professional Standards Council — Report, 2012-13.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 136.

Electricity Safety Act 1998 — No. 131.

Planning and Environment Act 1987 — No. 132.

Road Safety Act 1986 — Nos. 133, 134 and 135.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 132 to 136.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Order 698 – Work Experience Arrangements (Amendment) Order 2013 of 30 October 2013 made under the Education and Training Reform Act 2006.

Ministerial Order 699 – Structured Workplace Learning Arrangements (Amendment) Order 2013 of 30 October 2013 made under the Education and Training Reform Act 2006.

- 6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 13 November 2013:
- (1) the Notice of Motion given this day by Mr Somyurek calling on the Federal Government to secure the future of the Australian automotive manufacturing industry;
  - (2) Order of the Day No. 12, resumption of debate on motion relating to the provision of the business case for the proposed East West Link project;
  - (3) Notice of Motion No. 663 standing in the name of Mr Leane relating to the Government's election promise of new prison and hospital beds;
  - (4) Notice of Motion No. 665 standing in the name of Mr Barber calling on the Government to ban unconventional exploration of gas fossil fuels in Victoria; and
  - (5) Order of the Day No. 7, resumption of debate on motion relating to the use of Crown Land at the Caulfield Racecourse Reserve.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business and Orders of the Day, Government Business, Nos. 1 to 6, be postponed until later this day.

- 9 STATUTE LAW REVISION BILL 2013** — 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.

- 10 STATE TAXATION AND FINANCIAL LEGISLATION AMENDMENT BILL 2013** — 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.

- 11 COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2013** — 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.

- 12 ROAD LEGISLATION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

- 13 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.33 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 148 — Wednesday, 13 November 2013

1 The President took the Chair and read the Prayer.

2 **SUSPENSION OF STANDING ORDERS — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr D.M. Davis moved, by leave, That so much of Standing Order 5.03 be suspended in relation to the presentation and tabling of the Family and Community Development Committee's report into the Handling of Child Abuse by Religious and Other Non-Government Organisations so as to allow the mover of the motion to take note of the Report and other members to speak as required.

Question — put and agreed to.

3 **PAPERS —**

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER NON-GOVERNMENT ORGANISATIONS** — Ms Crozier presented a Report from the Family and Community Development Committee on the Handling of Child Abuse by Religious and Other Non-Government Organisations (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Crozier moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Victorian Inspectorate — Report No. 2, 2012-13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Victoria Police.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **AUTOMOTIVE MANUFACTURING INDUSTRY** — Mr Somyurek moved, That this House calls on the Abbott Federal Government to immediately move to secure the future of the Australian automotive manufacturing industry, and the thousands of jobs that go with it, by announcing its commitment to co-invest in this critical industry.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

7 **AUTOMOTIVE MANUFACTURING INDUSTRY** — Debate continued on the question, That this House calls on the Abbott Federal Government to immediately move to secure the future of the Australian automotive manufacturing industry, and the thousands of jobs that go with it, by announcing its commitment to co-invest in this critical industry.

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

8 **PRODUCTION OF DOCUMENTS — EAST WEST LINK** — Debate resumed on the question, That this House requires the Leader of Government in the Legislative Council to table in the Legislative Council on Tuesday, 3 September 2013, the business case for the proposed East West Link.

Debate ensued.

Mr Leane moved, as an amendment, That "3 September 2013" be omitted with the view of inserting in its place "10 December 2013".

Debate continued.

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

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 663, be postponed until later this day.
- 10 UNCONVENTIONAL GAS FOSSIL FUELS** — Mr Barber moved, That this House calls on the State Government to implement a permanent ban on the exploration or development of unconventional gas fossil fuels across Victoria.  
Debate ensued.  
*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Drum —*
- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 12 CRIMES AMENDMENT (INVESTIGATION POWERS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Corrections Act 1986 and the Police Regulation Act 1958 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Guy (for Mr O'Donohue), the Bill was read a first time and ordered to be read a second time on the next day of meeting.  
*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*
- 13 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
And then the Council, at 6.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 149 — Thursday, 14 November 2013

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2013.  
A Statutory Rule under the Public Health and Wellbeing Act 2008 — No. 137.  
Water Act 1989 — Abolition of the Avon Water Supply Protection Area, Denison Groundwater Supply Protection Area and Tarra River Catchment Water Supply Protection Area (Surface Water) Order 2013.
- 3 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 26 November 2013.  
Question — put and agreed to.
- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 6 CRIMES AMENDMENT (INVESTIGATION POWERS) BILL 2013** — Mr D.M. Davis (for Mr O'Donohue) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr D.M. Davis, the second reading speech was incorporated into Hansard.  
Mr D.M. Davis moved, That the Bill be now read a second time.  
On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for one week.

**7 TRANSPORT ACCIDENT AMENDMENT BILL 2013** — Debate resumed on the question,  
That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate ensued.

Mr Barber moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this House defers reading this Bill a second time until 18 February 2014 to allow for public consultation on the Bill to be undertaken and for that feedback to be incorporated into the Bill by the Government.”.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**9 TRANSPORT ACCIDENT AMENDMENT BILL 2013** — Debate continued on the question,  
That the Bill be now read a second time, and on the amendment that all the words after “That” be omitted with the view of inserting in their place “this House defers reading this Bill a second time until 18 February 2014 to allow for public consultation on the Bill to be undertaken and for that feedback to be incorporated into the Bill by the Government.”.

Question — That the reasoned amendment moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane ( <i>Teller</i> )	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Mr Melhem	Mr Finn
Ms Mikakos	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch ( <i>Teller</i> )
Mr Scheffer	Mrs Kronberg
Mr Somyurek ( <i>Teller</i> )	Ms Lovell
Mr Tarlamis	Mrs Millar
Mr Tee	Mr O’Donohue
Ms Tierney	Mr Ondarchie
	Mrs Peulich
	Mr Rich-Phillips

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier ( <i>Teller</i> )	Mr Eideh ( <i>Teller</i> )
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn ( <i>Teller</i> )	Mr Melhem
Mr Guy	Ms Mikakos
Mr Hall	Ms Pennicuik

Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek
Mrs Millar	Mr Tarlamis ( <i>Teller</i> )
Mr O'Donohue	Mr Tee
Mr Ondarchie	Ms Tierney
Mrs Peulich	
Mr Rich-Phillips	

Question 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.

Mr Rich-Phillips 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, 18

NOES, 16

Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad ( <i>Teller</i> )
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr D.M. Davis	Mr Jennings
Mr P.R. Davis	Ms Hartland
Mr Drum	Mr Leane
Mr Elsbury	Mr Lenders
Mr Finn	Mr Melhem ( <i>Teller</i> )
Mr Hall	Ms Mikakos
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Mrs Millar ( <i>Teller</i> )	Mr Somyurek
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

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

**10 ROAD LEGISLATION AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

**11 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.46 p.m., adjourned until Tuesday, 26 November 2013.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 147, 148 and 149

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Thursday, 14 November 2013

### 1 TRANSPORT ACCIDENT AMENDMENT BILL 2013

**Clause 1** — put and agreed to.

**Clause 2** — Mr Barber moved —

1. Clause 2, line 6, omit "Subject to subsection (2), this" and insert "This".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Peulich  
Mr Rich-Phillips

Amendment negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 13** — put and agreed to.

**Clause 14** — Question — That Clause 14 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)

NOES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem

Mr Guy	Ms Mikakos ( <i>Teller</i> )
Mr Hall	Ms Pennicuik ( <i>Teller</i> )
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Ms Lovell	Mr Somyurek
Mrs Millar	Mr Tarlamis
Mr O'Brien ( <i>Teller</i> )	Mr Tee
Mr O'Donohue	Ms Tierney
Mr Ondarchie	
Mrs Peulich	

Question agreed to.

**Clauses 15 to 17** — put and agreed to.

**Clause 18** — Consideration of Clause 18 postponed.

**Clauses 19 and 20** — put and agreed to.

**Clause 21** — Question — That Clause 21 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mrs Peulich  
 Mr Rich-Phillips

NOES, 17

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 22 and 23** — put and agreed to.

**Clause 24** — Question — That Clause 24 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson  
 Mrs Coote  
 Mr Dalla-Riva  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy

NOES, 15

Mr Barber  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Mr Melhem

Mr Hall	Ms Mikakos ( <i>Teller</i> )
Mr Koch	Ms Pulford
Mrs Kronberg	Mr Scheffer
Mrs Millar	Mr Somyurek
Mr O'Brien	Mr Tarlamis
Mr O'Donohue	Mr Tee
Mr Ondarchie	Ms Tierney
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

**Clauses 25 to 31** — put and agreed to.

**Postponed Clause 18** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 150, 151 and 152

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#### No. 150 — Tuesday, 26 November 2013

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 19 November 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Courts and Other Justice Legislation Amendment Act 2013*  
*State Taxation and Financial Legislation Amendment Act 2013*  
*Statute Law Revision Act 2013*  
*Transport Accident Amendment Act 2013.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 4 **PAPERS** —

**SUPREME COURT OF VICTORIA** — Mr O'Donohue presented, by command of the Governor, the Report of the Supreme Court of Victoria for the year 2012-13.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**COUNTY COURT OF VICTORIA** — Mr O'Donohue presented, by command of the Governor, the Report of the County Court of Victoria for the year 2012-13.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE — REGULATORY IMPACT STATEMENT PROCESS** — Mr Dalla-Riva presented a Report from the Environment and Planning Legislation Committee on the Regulatory Impact Statement Process (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 16 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

**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 the Annual Financial Report of the State of Victoria, 2012-13, November 2013.

Crown Land (Reserves) Act 1978 —

Minister's Order of 16 October 2013 giving approval to the granting of a licence at Albert Park Reserve.

Minister's Order of 11 November 2013 giving approval to the granting of leases at Albert Park Reserve.

Minister's Order of 19 November 2013 giving approval to the granting of a lease at Kew Recreation Reserve.

Minister's Order of 20 November 2013 giving approval to the granting of a lease at Queens Park Reserve.

Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2012-13.

Environment and Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2012-13.

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

Independent Broad-based Anti-corruption Commission — Special Report concerning certain operations in 2013, pursuant to section 162 of the Independent Broad-based Anti-corruption Commission Act 2011, November 2013.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 131.

Planning and Environment Act 1987 —

Brimbank Planning Scheme Amendment C147.

Hume Planning Scheme Amendment C170.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C154.

Banyule Planning Scheme — Amendment C92.

Casey Planning Scheme — Amendment C168.

Frankston Planning Scheme — Amendment C93.

Gannawarra Planning Scheme — Amendment C34.

Golden Plains Planning Scheme — Amendment C64.

Greater Dandenong Planning Scheme — Amendments C169, C174 and C175.

Greater Geelong Planning Scheme — Amendment C281.

Knox Planning Scheme — Amendment C95.

Latrobe Planning Scheme — Amendment C78.

Melton Planning Scheme — Amendments C150 and C153.

Port Phillip Planning Scheme — Amendment C96.

Towong Planning Scheme — Amendment C28.

Wyndham Planning Scheme — Amendment C191.

Professional Standards Act 2003 — Professional Surveyors Occupational Association Scheme, 11 November 2013.

A Statutory Rule under the Victims of Crime Assistance Act 1996 — No. 138.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 131, 137 and 138.

Taxi Services Commission — Report, 2012-13.

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

Catchment and Land Protection Amendment Act 2013 — 18 November 2013 (*Gazette No. S398, 12 November 2013*).

Corrections Amendment (Parole Reform) Act 2013 — 20 November 2013 (*Gazette No. S409, 19 November 2013*).

On the motion of Mr Rich-Phillips, the Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2012-13 and the Independent Broad-based Anti-corruption Commission's Special report concerning certain operations in 2013 were ordered to be printed.

- 5 PRODUCTION OF DOCUMENTS — WALLACE STREET, MORWELL DRAINAGE PROJECT** — The Clerk laid on the Table a letter from the Minister for Roads, dated 10 November 2013, together with certain documents relating to the Wallace Street, Morwell Drainage Project received in accordance with the Resolution of the Council of 12 June 2013.

On the motion of Mr Lenders, the letter and documents were ordered to be taken into consideration on the next day of meeting.

- 6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 27 November 2013:

- (1) the notice of motion given this day by Ms Pulford condemning the Government on its failure to reduce cost of living pressures, tackle law and order issues, maladministration of the public sector, and cuts to the education and legal sectors;
- (2) Order of the Day No. 28, resumption of debate on motion calling on the Federal Government to secure the future of the Australian automotive manufacturing industry;
- (3) Order of the Day No. 10, resumption of debate on motion relating to the provision of the business case for the proposed East West Link project;
- (4) Notice of Motion No. 651 standing in the name of Ms Hartland calling on the Minister for Health to expand public hospital homebirth services;
- (5) Order of the Day No. 27, resumption of debate on motion calling on the Government to ban unconventional exploration of gas fossil fuels in Victoria; and
- (6) Order of the Day No. 21, motion to take note of an answer given by the Minister for Liquor and Gaming Regulation to a question without notice relating to responsible gaming venues.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 669, be postponed until later this day.

- 9 JOINT INVESTIGATORY COMMITTEE REFERENCES** — Mr D.M. Davis moved, That under section 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

- (1) To the Family and Community Development Committee — for inquiry, consideration and report no later than 6 August 2014 on social inclusion and Victorians with a disability, and the Committee is asked to inquire into:
  - (a) define 'social inclusion' for Victorians with a disability;
  - (b) identify the nature and scale of relative inclusion (exclusion) and participation of Victorians with a disability in the economic, social and civil dimensions of society;
  - (c) understand the impact of Victorian government services and initiatives aimed at improving inclusion and participation;
  - (d) identify examples of good practice on inclusion and participation driven by local government and the community sector;
  - (e) assess how the *Disability Act 2006* has impacted on the social inclusion of people with a disability with respect to Victorian government services; and
  - (f) recommend ways to increase social inclusion, including the roles of and collaboration between local, state and federal governments, the community sector, individuals with a disability and their carers.
- (2) To the Rural and Regional Committee — for inquiry, consideration and report no later than 4 September 2014 on the opportunities for increasing exports of goods and

- services from regional Victoria, and the Committee is asked to do this through an examination of:
- (a) the identification and volume of Victorian agricultural, resource, manufacturing and service industry exports to overseas markets originating in regional Victoria;
  - (b) regional Victoria's competitive advantages in meeting the demands of world markets;
  - (c) innovative approaches to exporting and lessons to be shared from successful exporters;
  - (d) impediments and barriers creating difficulties for regional exporters; and
  - (e) the current and future roles of government in supporting regional businesses in their export endeavours.
- (3) To the Education and Training Committee — for inquiry, consideration and report no later than 4 September 2014 on the approaches to homework in Victorian schools, focusing on the impact on student learning, including:
- (a) evidence supporting the value of homework:
    - (i) benefits to individual students' learning;
    - (ii) contribution to discipline and other life skills; and
    - (iii) engagement of parents in student learning;
  - (b) current approaches to homework, including application of, and access to, technology outside of the classroom/school:
    - (i) as a tool to reinforce learning;
    - (ii) differences across primary and secondary school and the sectors;
    - (iii) approaches in Indigenous and Culturally and Linguistically Diverse background communities;
    - (iv) individual versus team homework;
    - (v) conceptual versus applied;
    - (vi) relevance to curriculum;
    - (vii) integration into how teachers help students learn;
    - (viii) assessment;
    - (ix) reporting and feedback methods; and
    - (x) best practice models;
  - (c) future of homework in Victorian schools:
    - (i) balance between reinforcing and extending what has been learnt in the classroom with time to undertake extracurricular activities and to spend time with family;
    - (ii) differentiated approaches for primary and secondary schools;
    - (iii) the nature, and time dedicated to, homework to facilitate best student learning in different communities; and
    - (iv) application of, and access to, technology to assist learning.

Debate ensued.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

**11 ROAD LEGISLATION AMENDMENT BILL 2013** — 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.

**12 ADJOURNMENT** — Mr Hall moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.52 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 151 — Wednesday, 27 November 2013

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SWINBURNE FACILITIES** — Mr Leane presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Government ensures the Swinburne Lilydale TAFE and University facilities remain solely for educational purposes and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

Ordered to lie on the Table.

\* \* \* \* \*

**NADRASCA COMMUNITY FARM** — Mr Leane presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Government facilitate an arrangement that will guarantee the Nadrasca Community Farm remains at its current location so as it can continue to provide a great service to the community.

Ordered to lie on the Table.

\* \* \* \* \*

**HEALESVILLE FREEWAY RESERVE** — Mr Leane presented a Petition bearing 33 signatures from certain citizens of Victoria requesting that the Government preserve the Healesville Freeway Reserve as public open space and not sell the land to developers.

Ordered to lie on the Table.

3 **PAPERS** —

**MAGISTRATES' COURT OF VICTORIA** — Mr O'Donohue presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2012-13.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

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

Audit Act 1994 — Report on the Performance Audit of the Auditor-General and the Auditor-General's Office, November 2013.

Auditor-General's Reports on —

Portfolio Departments and Associated Entities: Results of the 2012-13 Audits, November 2013.

WoVG Information Security Management Framework, November 2013.

Crown Land (Reserves) Act 1978 — Minister's Order of 21 November 2013 giving approval to the granting of a lease at Queens Park Reserve.

Ombudsman — Report on issues in public sector employment, November 2013.

A Statutory Rule under the Public Records Act 1973 — No. 139.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 139.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **GOVERNMENT PERFORMANCE** — Ms Pulford moved, That this House condemns the Baillieu/Naphthine Government, after three years in office, for failing to bring down cost of living pressures on Victorians, as promised at the last State election, and for their failure to

tackle law and order issues, maladministration of the public sector, and cuts to the education and legal sectors as evidenced by —

- (1) the rate of crime at train stations, currently at its highest in over five years, and the continuing rise in the overall crime rate across Victoria;
- (2) front-of-house public servants struggling to keep up with demand as a result of public service cuts, which the Government promised not to make;
- (3) schools across Victoria that are in dire need of funding and rejuvenation works;
- (4) the health crises in emergency rooms and ambulance waiting times;
- (5) the inability of Legal Aid Victoria to provide for the growing number of people who require their services;
- (6) the inability of the court system to cope with the ever increasing workload placed on it;
- (7) the upheaval to the Government's legislative program as a result of recent events in the Parliament;
- (8) the fact that Victorian teachers are still not the highest paid in Australia, despite the Government's promise;
- (9) cuts that have decimated the Victorian TAFE sector and damaged one of Victoria's largest export industries; and
- (10) the jobs crisis in Victoria, with youth unemployment reaching the highest rate of all mainland states and territories;

and calls on the Government to, as promised throughout the 2010 election campaign, fix the problems and build the future.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 GOVERNMENT PERFORMANCE** — Debate continued on the question, That this House condemns the Baillieu/Napthine Government, after three years in office, for failing to bring down cost of living pressures on Victorians, as promised at the last State election, and for their failure to tackle law and order issues, maladministration of the public sector, and cuts to the education and legal sectors as evidenced by —

- (1) the rate of crime at train stations, currently at its highest in over five years, and the continuing rise in the overall crime rate across Victoria;
- (2) front-of-house public servants struggling to keep up with demand as a result of public service cuts, which the Government promised not to make;
- (3) schools across Victoria that are in dire need of funding and rejuvenation works;
- (4) the health crises in emergency rooms and ambulance waiting times;
- (5) the inability of Legal Aid Victoria to provide for the growing number of people who require their services;
- (6) the inability of the court system to cope with the ever increasing workload placed on it;
- (7) the upheaval to the Government's legislative program as a result of recent events in the Parliament;
- (8) the fact that Victorian teachers are still not the highest paid in Australia, despite the Government's promise;
- (9) cuts that have decimated the Victorian TAFE sector and damaged one of Victoria's largest export industries; and
- (10) the jobs crisis in Victoria, with youth unemployment reaching the highest rate of all mainland states and territories;

and calls on the Government to, as promised throughout the 2010 election campaign, fix the problems and build the future.

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.

**9 HOMEBIRTH SERVICES** — Ms Hartland moved, That this House calls on the Minister for Health, Mr David Davis, MLC, to, as soon as feasible, take the necessary steps to expand public hospital homebirth services, including —

- (1) committing to fund start-up costs of homebirth programs to hospitals providing maternity services in the next State budget;
- (2) developing state-wide guidelines and information for health services implementing homebirth services;
- (3) developing systems to prospectively collect costing data; and
- (4) supporting further research into the safety of homebirth programs and research to compare clinical outcome data associated with low risk births in different birth settings.

Debate ensued.

Question — put and agreed to.

**10 UNCONVENTIONAL GAS FOSSIL FUELS** — Debate resumed on the question, That this House calls on the State Government to implement a permanent ban on the exploration or development of unconventional gas fossil fuels across Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza (*Teller*)  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

- 11 RESPONSIBLE GAMING VENUES — MINISTER'S ANSWER TO QUESTION WITHOUT NOTICE** — Ms Hartland moved, That the Council take note of the Minister's answer to a question without notice on 19 September 2013 in relation to responsible gaming venues.

Debate ensued.

Question — put and agreed to.

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.46 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 152 — Thursday, 28 November 2013

- 1 The President took the Chair and read the Prayer.
- 2 **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 Reports on —  
Occupational Health and Safety Risk in Public Hospitals, November 2013.  
Public Hospitals: Results of the 2012-13 Audits, November 2013.  
Racing Industry: Grants Management, November 2013.  
Commissioner for Environmental Sustainability — State of the Environment Report, 2013.  
Victorian Industry Participation Policy — Report, 2012-13.
- 3 **PRODUCTION OF DOCUMENTS — COST ESTIMATES FOR FIREFIGHTER COMPENSATION** — The Clerk laid on the Table a letter, dated 22 November 2013, from the Assistant Treasurer in response to the Resolution of the Council of 30 October 2013 seeking the production of documents relating to cost estimates for firefighter compensation, advising that the Government is not be able to respond to the Council's resolution within the time period requested by the Council and will endeavour to respond by Tuesday, 10 December 2013.
- 4 **SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 10 December 2013.  
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 683, be postponed until later this day.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2013** — Mr D.M. Davis (for Mr Guy), pursuant to notice, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes*.  
On the motion of Mr D.M. Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 8 **ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013** — Mr D.M. Davis (for Mr Hall), pursuant to notice, introduced *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes*.  
On the motion of Mr D.M. Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 9 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2013** — Mr D.M. Davis (for Mr Hall), pursuant to notice, introduced *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 and for other purposes*.  
On the motion of Mr D.M. Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 687 to 704, be postponed until later this day.
- 11 CRIMES AMENDMENT (INVESTIGATION POWERS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate ensued.  
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 noon pursuant to Standing Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 13 CRIMES AMENDMENT (INVESTIGATION POWERS) BILL 2013** — 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.
- 14 EMERGENCY MANAGEMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
Question — put and agreed to.  
Ms Hartland moved, That the Emergency Management Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 10 December 2013 to recommend how best to make the Inspector-General for Emergency Management an independent role.  
Debate ensued.  
Question — put.  
The Council divided — The President in the Chair.
- |                               |                              |
|-------------------------------|------------------------------|
| AYES, 18                      | NOES, 20                     |
| Mr Barber ( <i>Teller</i> )   | Mr Atkinson                  |
| Ms Broad                      | Mrs Coote                    |
| Ms Darveniza                  | Ms Crozier                   |
| Mr Eideh                      | Mr Dalla-Riva                |
| Mr Elasmr                     | Mr D.M. Davis                |
| Mr Jennings                   | Mr P.R. Davis                |
| Ms Hartland                   | Mr Drum                      |
| Mr Leane                      | Mr Elsbury                   |
| Mr Lenders                    | Mr Finn                      |
| Mr Melhem                     | Mr Guy                       |
| Ms Mikakos                    | Mr Hall                      |
| Ms Pennicuik                  | Mr Koch                      |
| Ms Pulford                    | Mrs Kronberg                 |
| Mr Scheffer                   | Mrs Millar ( <i>Teller</i> ) |
| Mr Somyurek                   | Mr O'Brien                   |
| Mr Tarlamis ( <i>Teller</i> ) | Mr O'Donohue                 |
| Mr Tee                        | Mr Ondarchie                 |
| Ms Tierney                    | Mrs Peulich                  |
|                               | Mr Ramsay ( <i>Teller</i> )  |

Mr Rich-Phillips

Question 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 SUSPENSION OF STANDING ORDERS** — Mr Rich-Phillips moved, by leave, That Standing Orders 4.01 and 5.02 be suspended to the extent necessary to enable the sitting of the Council on Tuesday, 10 December 2013 to commence at 12 noon and that the order of business on that day will be —

- (1) Messages;
- (2) Formal business;
- (3) Members' statements (up to 15 Members);
- (4) Government Business;
- (5) At 2.00 p.m. Questions;
- (6) Answers to Questions on Notice;
- (7) Government Business (continues); and
- (8) Adjournment (up to 20 Members).

Question — put and agreed to.

**16 JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Crimes Act 1958, the Criminal Procedure Act 2009, the Public Prosecutions Act 1994, the Family Violence Protection Act 2008, the Personal Safety Intervention Orders Act 2010, the Racing Act 1958, the Road Safety Camera Commissioner Act 2011, the Sentencing Act 1991, the Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013, the Sex Work Act 1994 and the Summary Offences Act 1966 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**17 OWNERS CORPORATIONS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Owners Corporations Act 2006 in relation to the levying of fees, and the recovery of costs, for repairs, maintenance or other works and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

**18 DISABILITY AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 in relation to the review by VCAT of a decision of a disability service provider to issue a notice of a proposed increase in a residential charge and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**19 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978, the National Parks Act 1975, the Carlton (Recreation Ground) Land Act 1966, the Land (Miscellaneous Matters) Act 1988, the Land (Reservations and other Matters) Act 1997, the Shrine of Remembrance Act 1978 and the Water Industry Act 1994 and to revoke certain permanent Crown land reservations and Crown grants and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**20 DOMESTIC ANIMALS AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 and the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**21 VICTORIA POLICE BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact and modernise the law relating to the governance and regulation of Victoria Police, to retitle and substantially repeal the Police Regulation Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**22 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ON-THE-SPOT PENALTY FARES) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport (Compliance and Miscellaneous) Act 1983 to provide for on-the-spot penalty fares and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

**23 EDUCATION AND TRAINING REFORM AMENDMENT (DUAL SECTOR UNIVERSITIES) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to remove references to universities with TAFE divisions and to make related consequential amendments to that Act and to other Acts and to amend the Borrowing and Investment Powers Act 1987 so that TAFE institutes may have borrowing and investment powers under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**24 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 5.11 p.m., adjourned until Tuesday, 10 December 2013.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 150, 151 and 152

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Thursday, 28 November 2013

### 1 CRIMES AMENDMENT (INVESTIGATION POWERS) BILL 2013

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Pennicuik moved —

1. Clause 4, page 6, line 19, omit "applies." and insert "applies;".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Jennings  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 10** — put and agreed to.

**Clause 11** — Question — That Clause 11 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum (*Teller*)  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

NOES, 2

Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

Question agreed to.

**Clauses 12 to 21** — put and agreed to.

**Bill reported without amendment.**

## **2 EMERGENCY MANAGEMENT BILL 2013**

**Clauses 1 to 105** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 153, 154 and 155

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#### No. 153 — Tuesday, 10 December 2013

- 1 The President took the Chair and read the Prayer.
- 2 **DEATH OF HIS EXCELLENCY NELSON MANDELA, OM, AC, CC, OJ, GCStJ, QC, GCH, BR, RSO, NPK** — Mr D.M. Davis moved, by leave, That this House expresses its sincere sorrow at the death, on 5 December 2013, of His Excellency Nelson Mandela, OM, AC, CC, OJ, GCStJ, QC, GCH, BR, RSO, NPK and places on record its acknowledgement of the valuable services rendered by him to the people of South Africa, and for the causes of peace and justice internationally.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **ADJOURNMENT** — Mr D.M. Davis moved, by leave, That as a further mark of respect to the memory of the late His Excellency Nelson Mandela, OM, AC, CC, OJ, GCStJ, QC, GCH, BR, RSO, NPK, the House do now adjourn for 30 minutes.

Question — put and agreed to.

And then the Council, at 12.37 p.m., adjourned until this day at 1.07 p.m.

- 1 The President took the Chair.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 3 December 2013, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Crimes Amendment (Investigation Powers) Act 2013*

*Emergency Management Act 2013*

*Road Legislation Amendment Act 2013.*

- 3 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 17 of 2013 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Australian Children's Education and Care Quality Authority — Report, 2012-13.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to — State Environment Protection Policy (Prevention and Management of Contamination of Land).

Statutory Rule No. 133.

Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Sexting.

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

- Banyule Planning Scheme — Amendment C91.
- Campaspe Planning Scheme — Amendment C99.
- East Gippsland Planning Scheme — Amendments C100 and C111.
- Hume Planning Scheme — Amendment C156.
- Indigo Planning Scheme — Amendments C52 and C54.
- Macedon Ranges Planning Scheme — Amendments C88 and C94.
- Maroondah Planning Scheme — Amendment C90.
- Maribyrnong Planning Scheme — Amendments C95 and C117.
- Mitchell Planning Scheme — Amendment C87.
- Moreland Planning Scheme — Amendment C131.
- Mornington Peninsula Planning Scheme — Amendment C135 Part 2.
- Mount Alexander Planning Scheme — Amendment C63.
- Nillumbik Planning Scheme — Amendment C84.
- South Gippsland Planning Scheme — Amendments C66, C68 and C87.
- Stonnington Planning Scheme — Amendments C161, C163 and C169.
- Strathbogie Planning Scheme — Amendments C50, C65 and C67.
- Surf Coast Planning Scheme — Amendment C74.
- Swan Hill Planning Scheme — Amendments C46 and C47.
- Wodonga Planning Scheme — Amendments C87 and C102.
- Wyndham Planning Scheme — Amendment C203.

Statutory Rules under the following Acts of Parliament:

- Bail Act 1977 — No. 141.
- Children, Youth and Families Act 2005 — Nos. 140 and 145.
- Public Health and Wellbeing Act 2008 — No. 143.
- Racing Act 1958 — No. 144.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 142.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 143 to 145.

Legislative Instruments and related documents under section 16B in respect of —

- Specification of postcode areas of residence of respondents for the making of counselling orders in relation to the Ballarat venue of the Family Violence Court Division of the Magistrates' Court of Victoria of 13 November 2013 made under section 128(b) of the Family Violence Protection Act 2008.
- Specification of postcode areas of residence of respondents for the making of counselling orders in relation to the Heidelberg venue of the Family Violence Court Division of the Magistrates' Court of Victoria of 13 November 2013 made under section 128(b) of the Family Violence Protection Act 2008.
- Specification of postcode areas of residence of respondents for the making of counselling orders in relation to the Frankston venue of the Magistrates' Court of Victoria of 13 November 2013 made under section 128(b) of the Family Violence Protection Act 2008.
- Specification of postcode areas of residence of respondents for the making of counselling orders in relation to the Moorabbin venue of the Magistrates' Court of Victoria of 13 November 2013 made under section 128(b) of the Family Violence Protection Act 2008.
- Specification of postcode areas for proper venue in relation to a proceeding in respect of which the Family Violence Court Division has jurisdiction of 13 November 2013 made under section 3(1) of the Magistrates' Court Act 1989.
- Notice fixing the value of the supervision charge made under section 3.6.5A of the Gambling Regulation Act 2003.
- Greyhound Racing Victoria – Rule Amendments made under the Racing Act 1958.

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

Bail Amendment Act 2013 — 20 December 2013 (*Gazette No. S419, 26 November 2013*).

Children, Youth and Families Amendment Act 2013 — 1 December 2013 (*Gazette No. S419, 26 November 2013*).

Courts Legislation Amendment (Judicial Officers) Act 2013 — Parts 1 and 4 — 1 January 2014 (*Gazette No. S431, 3 December 2013*).

Education and Training Reform Amendment (School Attendance) Act 2013 — 1 January 2014 (*Gazette No. S419, 26 November 2013*).

**4 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 11 December 2013:
  - (a) Order of the Day No. 7, resumption of debate on motion relating to the provision of the business case for the proposed East West Link project;
  - (b) the Notice of Motion given this day by Mr Leane relating to the election promises on the 2010 how-to-vote card of Ms Dee Ryall, MP;
  - (c) Notice of Motion No. 670 standing in the name of Ms Hartland to introduce the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2013; and
  - (d) the Notice of Motion given this day by Mr Barber noting the finding of the Intergovernmental Panel on Climate Change's 2013 Working Group; and
- (2) Standing Order 6.15 be suspended in relation to the motion moved by Mr Tee relating to the provision of the business case for the proposed East West Link project.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 687, be postponed until later this day.

**7 ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE — REFERENCE** — Mr D.M. Davis moved, That this House —

- (1) notes the details in Appendix 4 of the Department of Treasury and Finance's 2012-13 Annual Report and further notes the discussion on pages 159 and 160 of the Department of Health's 2012-13 Annual Report, and in particular, the sections titled "energy consumption and greenhouse emissions";
- (2) further notes that some degree of energy consumption in the production of health services is inevitable and unavoidable, but nevertheless incurs a Carbon Tax;
- (3) requires the Economy and Infrastructure Legislation Committee to inquire into and consider —
  - (a) the impact on public health services of the Carbon Tax introduced by the former Commonwealth Government on 1 July 2012; and
  - (b) the benefits to Victorian public and private health services and their patients of the current Commonwealth Government's promised abolition of the Carbon Tax;and to present a final report by 30 May 2014, and make any interim reports the Committee thinks fit.

Debate ensued.

*Business having been interrupted at 2.00 p.m. pursuant to an Order of the Council on 28 November 2013 —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**9 ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE — REFERENCE —**

Debate continued on the question, That this House —

- (1) notes the details in Appendix 4 of the Department of Treasury and Finance's 2012-13 Annual Report and further notes the discussion on pages 159 and 160 of the Department of Health's 2012-13 Annual Report, and in particular, the sections titled "energy consumption and greenhouse emissions";
- (2) further notes that some degree of energy consumption in the production of health services is inevitable and unavoidable, but nevertheless incurs a Carbon Tax;
- (3) requires the Economy and Infrastructure Legislation Committee to inquire into and consider —
  - (a) the impact on public health services of the Carbon Tax introduced by the former Commonwealth Government on 1 July 2012; and
  - (b) the benefits to Victorian public and private health services and their patients of the current Commonwealth Government's promised abolition of the Carbon Tax;
 and to present a final report by 30 May 2014, and make any interim reports the Committee thinks fit.

Question — put and agreed to.

**10 BUSINESS POSTPONED — Ordered —** That the consideration of Notices of Motion, Government Business, Nos. 703 and 704, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.**11 EDUCATION AND TRAINING REFORM AMENDMENT (DUAL SECTOR UNIVERSITIES) BILL 2013 —** Debate resumed on the question, That the Bill be now read a second time.

Ms Mikakos moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the impacts of the measures and timelines of the Bill have been referred to, and considered by, the Education and Training Committee."

Debate ensued.

Question — That the reasoned amendment moved by Ms Mikakos be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr ( <i>Teller</i> )	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mrs Millar ( <i>Teller</i> )
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
	Mrs Peulich
	Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips

NOES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

Question agreed to.

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.

**12 OWNERS CORPORATIONS AMENDMENT BILL 2013** — 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.

**13 JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2013** — 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.

**14 DISABILITY AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Ms Mikakos moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government has completed a review into disability accommodation fees and charges, following appropriate consultation with residents, carers, families and other stakeholders."

Debate ensued.

Question — That the reasoned amendment moved by Ms Mikakos be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Barber  
 Ms Darveniza (*Teller*)

NOES, 20

Mr Atkinson  
 Mrs Coote (*Teller*)

Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr D.M. Davis
Ms Hartland	Mr P.R. Davis
Mr Leane ( <i>Teller</i> )	Mr Drum ( <i>Teller</i> )
Mr Lenders	Mr Elsbury
Mr Melhem	Mr Finn
Ms Mikakos	Mr Guy
Ms Pennicuik	Mr Hall
Ms Pulford	Mr Koch
Mr Scheffer	Mrs Kronberg
Mr Somyurek	Ms Lovell
Mr Tarlamis	Mrs Millar
Mr Tee	Mr O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mrs Peulich
	Mr Rich-Phillips

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

NOES, 16

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

Question agreed to.

Ms Hartland moved, That the Disability Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 25 March 2014 and, in particular, the Committee is required to consult with the disability sector and all affected residents in government and non-government supported housing, and give consideration to the financial and social impacts of the proposed residential fee changes, including the proposed board and lodging fee and the allowance of increased residential fees to capture Commonwealth Rent Assistance payments.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier ( <i>Teller</i> )
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmarr	Mr D.M. Davis
Mr Jennings	Mr P.R. Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Lovell 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, 20	NOES, 17
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr D.M. Davis	Mr Eideh
Mr P.R. Davis ( <i>Teller</i> )	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury	Ms Hartland ( <i>Teller</i> )
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Hall	Mr Melhem
Mr Koch	Ms Mikakos
Mrs Kronberg	Ms Pennicuik
Ms Lovell	Ms Pulford
Mrs Millar	Mr Scheffer
Mr O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis ( <i>Teller</i> )
Mr Ondarchie	Mr Tee
Mrs Peulich	
Mr Ramsay ( <i>Teller</i> )	
Mr Rich-Phillips	

Question agreed to.

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

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

**16 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ON-THE-SPOT PENALTY FARES) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Melhem were circulated.

Debate continued.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr D.M. Davis  
 Mr P.R. Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

Ordered — That the Bill be committed to a Committee of the whole on the next day of meeting.

*Business having been interrupted at 10.05 p.m. pursuant to Standing Orders —*

**17 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.29 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 154 — Wednesday, 11 December 2013

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**TIMBOON P-12 SCHOOL** — Mr Koch presented a Petition bearing 663 signatures from certain citizens of Victoria requesting that the Government allocate sufficient funding in the 2014-15 Budget to rebuild Timboon P-12 School's classrooms.

Ordered to lie on the Table.

\* \* \* \* \*

**ABORTION LAW REFORM ACT 2008** — Mr Finn presented a Petition bearing 158 signatures from certain citizens of Victoria requesting that the *Abortion Law Reform Act 2008* be repealed and replaced with legal protection for children before birth.

Ordered to lie on the Table.

On the motion Mr Finn, 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 Reports on —

Local Government: Results of the 2012-13 Audits, December 2013.

Managing Victoria's Native Forest Timber Resources, December 2013.

Independent Broad-based Anti-corruption Commission — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2012-13.

Ombudsman — Report on a review of the governance of public sector boards in Victoria, December 2013.

Statutory Rules under the following Acts of Parliament:

Country Fire Authority Act 1958 — No. 149.

Heavy Vehicle National Law Application Act 2013 — No. 152.

Magistrates' Court Act 1989 — No. 155.

Professional Boxing and Combat Sports Act 1985 — No. 154.

Road Safety Act 1986 — Nos. 150, 151 and 153.

Supreme Court Act 1986 — Nos. 146 and 148.

Supreme Court Act 1986 — Open Courts Act 2013 — No. 147.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 146 to 148 and 150 to 154.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **PRODUCTION OF DOCUMENTS — EAST WEST LINK** — Debate resumed on the question, That this House requires the Leader of the Government in the Legislative Council to table in the Legislative Council on Tuesday, 3 September 2013, the business case for the proposed East West Link and on the amendment moved by Mr Leane, That "3 September 2013" be omitted with the view of inserting in its place "10 December 2013".

Leave having been granted for Mr Leane to withdraw his amendment, debate continued.

Mr Tarlamis moved, as an amendment, That "3 September 2013" be omitted with the view of inserting in its place "19 February 2014".

Debate ensued.

Question — That the amendment be agreed to — put and agreed to.

Debate continued.

Question — That, this House requires the Leader of the Government in the Legislative Council to table in the Legislative Council on Wednesday, 19 February 2014, the business case for the proposed East-West Link.

— put and agreed to.

**6 ELECTION PROMISES — HOW TO VOTE CARD** — Mr Leane moved, That this House —

- (1) notes that the November 2010 how-to-vote card of Ms Dee Ryall, MP, included the following election promises —
  - (a) provide 1,600 new hospital beds;
  - (b) work to reduce carbon emissions by 20 per cent by 2020;
  - (c) provide two new rail stations at Southland and Grovedale;
  - (d) slash hospital waiting lists;
  - (e) provide more support for Victorian teachers; and
  - (f) provide a rail service linking Geelong, Ballarat and Bendigo;
- (2) condemns the Napthine Government for failing to deliver on its 2010 election commitments; and
- (3) calls on the Government to fix the problems, as promised, and build the future.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**8 ELECTION PROMISES HOW TO VOTE CARD** — Debate continued on the question, That this House —

- (1) notes that the November 2010 how-to-vote card of Ms Dee Ryall, MP, included the following election promises —
  - (a) provide 1,600 new hospital beds;
  - (b) work to reduce carbon emissions by 20 per cent by 2020;
  - (c) provide two new rail stations at Southland and Grovedale;
  - (d) slash hospital waiting lists;
  - (e) provide more support for Victorian teachers; and
  - (f) provide a rail service linking Geelong, Ballarat and Bendigo;
- (2) condemns the Napthine Government for failing to deliver on its 2010 election commitments; and
- (3) calls on the Government to fix the problems, as promised, and build the future.

On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned until later this day.

**9 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2013** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Accident Compensation Act 1985 in relation to compensation for disease due to employment suffered by firefighters and for other purposes.*

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

**10 CLIMATE CHANGE INTERGOVERNMENTAL PANEL REPORT** — Mr Barber moved, That this House notes and endorses the finding of the Intergovernmental Panel on Climate Change's 2013 Working Group I report that —

- (1) it is extremely likely that human influence has been the dominant cause of observed warming since the mid-20th century;
- (2) continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system; and
- (3) limiting climate change will require substantial and sustained reductions of greenhouse gas emissions.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.49 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 155 — Thursday, 12 December 2013**

**1** The President took the Chair and read the Prayer.

**2 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 Reports on —

Tourism Strategies, December 2013.

Water Entities: Results of the 2012-13 Audits, December 2013.

Ombudsman — Report on investigation into children transferred from the youth justice system to the adult prison system, December 2013.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 155.

Victorian Inspectorate — Report, 2012-13.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**5 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2013** — 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.

**6 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ON-THE-SPOT PENALTY FARES) BILL 2013** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Guy 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, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad (*Teller*)

Ms Hartland

Mrs Coote

Mrs Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr P.R. Davis (*Teller*)

Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

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

- 7 VICTORIA POLICE BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 9 VICTORIA POLICE BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Ms Pennicuik moved, That the Victoria Police Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 25 March 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr P.R. Davis  
 Mr Drum

Mr Eideh (*Teller*)  
 Mr Elasmar  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Scheffer  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question 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.

- 10 ORDERS OF THE DAY DISCHARGED** — Mr Rich-Phillips moved, That the following Orders of the Day, Government Business, be discharged and that the respective Bills be withdrawn:  
 Drugs, Poisons and Controlled Substances Amendment Bill 2013;  
 Energy Legislation Amendment (General) Bill 2013; and  
 Mineral Resources (Sustainable Development) Amendment Bill 2013.

Question — put and agreed to.

- 11 DOMESTIC ANIMALS AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Barber (for Ms Pennicuik), the debate was adjourned until later this day.

- 12 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Administration Act 2004 to establish the Victorian Public Sector Commission to replace the State Services Authority and provide for its governance, functions and powers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 13 LOCAL GOVERNMENT AMENDMENT (PERFORMANCE REPORTING AND ACCOUNTABILITY) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 to improve the performance reporting and accountability of Councils and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 14 ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013 (No. 2)** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

- 15 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to provide for a pre-commitment scheme to be imposed in relation to gaming machines from 1 December 2015 at the direction of the Minister and to make related amendments to the Casino Control Act 1991 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 16 COURT SERVICES VICTORIA BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish Court Services Victoria and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 17 ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION) BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 in relation to the mitigation of bushfire risks arising from electric lines and electricity networks and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane, the debate was adjourned for one week.
- 18 SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Sustainable Forests (Timber) Act 2004, the Wildlife Act 1975 and the Safety on Public Land Act 2004 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Lenders, the debate was adjourned for one week.
- 19 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2013 (No. 2)** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Melhem), the debate was adjourned for one week.
- 20 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2013 (No. 2)** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr D.M. Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.
- 21 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of Victorian Curriculum and Assessment Authority Fees Order of 10 December 2013 made under the Education and Training Reform Act 2006.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels.

**22 SITTING OF THE COUNCIL** — Mr Rich-Phillips moved, That the Council, at its rising, adjourn until Tuesday, 4 February 2014.

Question — put and agreed to.

**23 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.16 p.m., adjourned until Tuesday, 4 February 2014.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 153, 154 and 155

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**Tuesday, 10 December 2013**

**1 EDUCATION AND TRAINING REFORM AMENDMENT (DUAL SECTOR UNIVERSITIES) BILL 2013**

**Clauses 1 to 31** — put and agreed to.

**Bill reported without amendment.**

**2 DISABILITY AMENDMENT BILL 2013**

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Mikakos moved —

1. Clause 4, page 3, lines 3 to 32 and page 4, lines 1 to 6, omit all words and expressions on these lines.
2. Clause 4, page 4, lines 19 to 29 and page 5, lines 1 to 31, omit all words and expressions on these lines.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber  
Ms Broad (*Teller*)  
Ms Darveniza  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee

NOES, 20

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips

Amendments negated.

Clause 4 — put and agreed to.

**Clauses 5 and 6** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 12 December 2013

### 1 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ON-THE-SPOT PENALTY FARES) BILL 2013

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Mr Melhem moved —

1. Clause 7, page 4, after line 9 insert—  
"(4) An on-the-spot penalty fare cannot be paid by cash."
2. Clause 7, page 4, line 10, omit "(4)" and insert "(5)".
3. Clause 7, page 4, line 14, omit "(5)" and insert "(6)".
4. Clause 7, page 4, line 20, omit "(6)" and insert "(7)".
5. Clause 7, page 4, line 21, omit "(5)" and insert "(6)".
6. Clause 7, page 4, line 25, omit "(7)" and insert "(8)".

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 14

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Pennicuik  
Ms Pulford  
Mr Tarlamis  
Mr Tee

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg (*Teller*)  
Ms Lovell  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips

Amendments negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 11** — put and agreed to.

**Bill reported without amendment.**

### 2 VICTORIA POLICE BILL 2013

**Clauses 1 to 15** — put and agreed to.

**Clause 16** — Ms Pennicuik moved —

1. Clause 16, lines 31 and 32, omit paragraph (a).

Question — That the amendment be agreed to — put and negatived.

Clause 16 — put and agreed to.

**Clauses 17 to 73** — put and agreed to.

**Clause 74** — Ms Pennicuik moved —

2. Clause 74, lines 28 and 29, omit subclause (1) and insert—  
"(1) Subject to this Division, the State is liable for all police torts."
3. Clause 74, lines 30 to 34 and page 60, lines 1 to 8, omit subclauses (2) and (3).

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr P.R. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall (*Teller*)  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Scheffer  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendments negatived.

Clause 74 — put and agreed to.

**Clauses 75 to 287** — put and agreed to.

**Schedules 1 to 6** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 156, 157 and 158

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#### No. 156 — Tuesday, 4 February 2014

- 1 The President took the Chair and read the Prayer.

*[Sitting suspended from 2.10 p.m. until 3.13 p.m.]*

- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

3 February 2014

The Hon. Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that Mr Philip Davis MLC called on me today and handed me his letter of resignation as Member of the Legislative Council for Eastern Victoria, effective from today. It seems that section 27A of the *Constitution Act 1975* requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Speaker and the Premier in like terms.

I enclose a copy of Mr Davis' letter for your records.

Yours sincerely,

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

3 February 2014

His Excellency the Honourable Alex Chernov, AC, QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I write to formally advise you that as of 3 February 2014, I resign as the Member for Eastern Victoria in the Legislative Council.

Under section 30 of the Constitution Act 1975, my resignation will take effect immediately when received by the Governor.

It has been an honour and a privilege to represent the people of Gippsland Province and the Eastern Victoria Region in the Victorian Parliament for the past 21 years.

The opportunity to contribute to public policy and its implementation by the enactment of legislation is a special gift delegated to a few by the people of Victoria. I have willingly respected this trust.

Please consider this letter, formal notification of my resignation from the Victorian Parliament and as the Member for Eastern Victoria.

Yours sincerely,

Philip R Davis MP

\* \* \* \* \*

Mr D.M. Davis moved, by leave, That this House meets the Legislative Assembly 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 Mr Philip Rivers Davis and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 5 February 2014 at 6.15 p.m.

Question — put and agreed to.

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

- 3 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 17 December 2013, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

*Disability Amendment Act 2013*

*Education and Training Reform Amendment (Dual Sector Universities) Act 2013*

*Justice Legislation Amendment (Miscellaneous) Act 2013*

*Owners Corporations Amendment Act 2013*

*Parks and Crown Land Legislation Amendment Act 2013*

*Transport (Compliance and Miscellaneous) Amendment (On-the-Spot Penalty Fares) Act 2013*

*Victoria Police Act 2013.*

- 4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 5 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 1 of 2014 (including Appendices and an Extract from the Proceedings of the Committee) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Australian Crime Commission —  
Report, 2012-13.

Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2012-13.

Border Groundwaters Agreement Review Committee — Report, 2012-13.

Crown Land (Reserves) Act 1978 — Minister's Order of 27 December 2013 giving approval to the granting of a licence at Camperdown Public Park Reserve.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2013.

- Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner's Report, 2012-13.
- Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2013.
- Murray-Darling Basin Authority — Report, 2012-13.
- Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Rural Drainage in Victoria.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Banyule Planning Scheme — Amendments C86 and C96.
  - Baw Baw Planning Scheme — Amendment C93.
  - Boroondara Planning Scheme — Amendment C191.
  - Brimbank Planning Scheme — Amendment C38.
  - Campaspe Planning Scheme — Amendment C102.
  - Cardinia Planning Scheme — Amendments C133 and C195.
  - Casey Planning Scheme — Amendment C184.
  - Frankston Planning Scheme — Amendments C74 and C78.
  - Glen Eira Planning Scheme — Amendments C80, C111 and C114.
  - Glenelg Planning Scheme — Amendment C76 Part 1.
  - Greater Bendigo Planning Scheme — Amendments C159 Part 1, C191 and C205.
  - Greater Dandenong Planning Scheme — Amendments C124 and C181.
  - Greater Geelong Planning Scheme — Amendments C233, C247 and C294.
  - Hume Planning Scheme — Amendment C154 Part 1.
  - Indigo, Mount Alexander and Greater Shepparton Planning Schemes — Amendment GC4.
  - Indigo Planning Scheme — Amendment C32.
  - Kingston Planning Scheme — Amendments C126 and C129.
  - Latrobe Planning Scheme — Amendment C79.
  - Loddon Planning Scheme — Amendments C28 and C30.
  - Maribyrnong Planning Scheme — Amendment C127.
  - Mildura Planning Scheme — Amendment C87.
  - Mitchell Planning Scheme — Amendment C94.
  - Moonee Valley Planning Scheme — Amendment C130.
  - Mount Alexander Planning Scheme — Amendment C69.
  - Murrindindi Planning Scheme — Amendments C36 and C42.
  - Nillumbik Planning Scheme — Amendments C60 and C89.
  - Port Phillip Planning Scheme — Amendment C130.
  - South Gippsland Planning Scheme — Amendments C73 and C83 Part 1.
  - Swan Hill Planning Scheme — Amendment C56.
  - Victoria Planning Provisions — Amendments VC99 and VC105.
  - Wellington Planning Scheme — Amendments C33 and C70.
  - Whittlesea Planning Scheme — Amendments C115 and C151.
  - Wyndham Planning Scheme — Amendment C193.
  - Yarra Planning Scheme — Amendment C203.
- Statutory Rules under the following Acts of Parliament:
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 156/2013.
  - Building Act 1993 — No. 161/2013.
  - County Court Act 1958 — Nos. 166 and 167/2013.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 164/2013.
  - Education and Training Reform Act 2006 — Nos. 157 and 172/2013.

- Environment Protection Act 1970 — No. 159/2013.  
 Fisheries Act 1995 — No. 168/2013.  
 Gas Safety Act 1997 — No. 158/2013.  
 Infringements Act 2006 — No. 169/2013.  
 Magistrates' Court Act 1989 — Nos. 177 and 178/2013.  
 Police Regulation Act 1958 — No. 162/2013.  
 Retirement Villages Act 1986 — Nos. 170 and 171/2013.  
 Road Safety Act 1986 — Nos. 174 to 176/2013.  
 Subordinate Legislation Act 1994 — Nos. 160 and 173/2013.  
 Transport (Compliance and Miscellaneous) Act 1983 — No. 1/2014.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 165/2013.  
 Water Act 1989 — No. 163/2013.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 141, 142, 149, 156 to 159, 161 to 178/2013 and 1/2014.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas of 19 December 2013 made under the Building Act 1993.  
 Ministerial Order No. 625 – Procedures for Suspension and Expulsion of 23 December 2013 made under the Education and Training Reform Act 2006.  
 Quota Order for the Scallop Dive (Port Phillip Bay) Fishery of 19 December 2013 made under the Fisheries Act 1995.  
 Determination of Fees: Issue of Country and Metropolitan Hire Car Licences of 9 December 2013 made under the Transport (Compliance and Miscellaneous) Act 1983.  
 Victoria Police — Chief Commissioner — Report under section 31 of the Crimes (Assumed Identities) Act 2004, 2012-13.  
 Victorian Environmental Assessment Council Act 2001 — Government Response to Report on the Investigation into Additional Prospecting Areas in Parks, February 2014.

\* \* \* \* \*

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

- Courts and Other Justice Legislation Amendment Act 2013 — Remaining Provisions (except Division 1 of Part 3) — 1 February 2014; Division 1 of Part 3 — 1 July 2014 (Gazette No. S17, 28 January 2014).  
 Justice Legislation Amendment (Miscellaneous) Act 2013 — Part 7 — 29 January 2014; Remaining Provisions of Part 6 — 3 March 2014 (Gazette No. S17, 28 January 2014).  
 National Parks Amendment (Leasing Powers and Other Matters) Act 2013 — Part 2 — 19 December 2013 (Gazette No. S449, 17 December 2013).  
 Road Legislation Amendment Act 2013 — Section 14 — 17 December 2013 (Gazette No. S449, 17 December 2013).  
 Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Sections 28 and 29 — 20 December 2013; Part 6 — 17 February 2014 (Gazette No. S449, 17 December 2013).  
 Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013 — Sections 23, 24(1), 26, 27, 28(2), 30, 31(1), 31(3) and 31(4) — 1 February 2014 (Gazette No. S17, 28 January 2014).

\* \* \* \* \*

**BUDGET UPDATE, 2013-14** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Update, 2013-14.

**6 PRODUCTION OF DOCUMENTS —**

**FIREFIGHTERS COMPENSATION ACTUARIAL ASSESSMENTS** — The Clerk laid on the Table a letter from the Assistant Treasurer, dated 31 January 2014, together with summaries of information provided to the Government in response to the Resolution of the Council of 30

October 2013 seeking the production of documents relating to actuarial assessment and cost estimates of compensation for firefighters —

- advising that the release of such estimates would be prejudicial to the public interest and reveal deliberations of Cabinet and high-level deliberations of Government; and
- respectfully requesting that the Council not insist on the productions of the documents.

On the motion of Ms Hartland, the Minister's letter, together with the summaries of information, were ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 5 February 2014:

- (1) the Notice of Motion given this day by Mr Jennings expressing a lack of confidence in the ability of the Minister for Health to manage the health system in Victoria;
- (2) the Notice of Motion given this day by Ms Hartland referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery; and
- (3) the notice of motion given this day by Ms Hartland relating to the findings of the Economy and Infrastructure Legislation Committee's Report on the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 JOINT SITTING — CASUAL COUNCIL VACANCY** — The Acting President read a Message from the Assembly informing the Council that they had agreed to meet the Council to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Philip Davis, and as proposed by the Council, agrees that the place and time of the Joint Sitting be the Legislative Assembly Chamber on Wednesday, 5 February 2014 at 6.15 p.m.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**11 COURT SERVICES VICTORIA BILL 2013** — 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.

**12 LOCAL GOVERNMENT AMENDMENT (PERFORMANCE REPORTING AND ACCOUNTABILITY) BILL 2013** — 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.

**13 BUSINESS OF THE COUNCIL** — Mr Leane moved, by leave, That the Resolution of the Council this day fixing the order of precedence for General Business for Wednesday, 5 February 2014 be now amended as follows:

Omit sub-section (3) and insert:

- (3) Notice of Motion No. 714 standing in the name of Ms Hartland relating to documents detailing the CFA and VWA actuarial assessment and cost estimates for firefighters injured or deceased on the job.

Question — put and agreed to.

- 14 ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013 (No. 2)** — 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 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 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.
- 16 SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Pennicuik —*
- 17 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
And then the Council, at 10.18 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 157 — Wednesday, 5 February 2014

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — SECONDARY SCHOOL IN MERNDA** — Mr Ondarchie presented a Petition bearing 762 signatures from certain citizens of Victoria requesting that the Government make allowances in the Budget to begin construction of a secondary school at the earliest possible date at Breadalbane Avenue, Mernda.  
Ordered to lie on the Table.
- 3 **PAPERS —**  
**RURAL AND REGIONAL COMMITTEE — TELECOMMUTING AND E-BUSINESS** — Mr Drum presented a Report from the Rural and Regional Committee on Opportunities for People to Use Telecommuting and E-Business to Work Remotely in Rural and Regional Victoria (including Appendices), together with a Summary Booklet and Transcripts of Evidence.  
Ordered to lie on the Table and the Report and Summary Booklet to be printed.  
Mr Drum moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.

\* \* \* \* \*

**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 Reports on —

Managing Emergency Services Volunteers, February 2014.

Oversight and Accountability of Committees of Management, February 2014.

Ombudsman — Report on Investigation into a complaint about the conduct of Authorised Officers on V/Line, February 2014.

Victorian Electoral Commission — Report to Parliament on the Lyndhurst District by-election held on 27 April 2013.

- 4 BUSINESS OF THE HOUSE** — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted this day —
- (1) Messages;
  - (2) Formal business;
  - (3) Members' statements (up to 15 Members);
  - (4) General Business;
  - (5) At 12 noon Questions without notice;
  - (6) Answers to Questions on notice;
  - (7) General Business (continues);
  - (8) At 4.30 p.m. Statements on reports and papers; and
  - (9) At 5.30 p.m. Adjournment (up to 20 Members).

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 MINISTER FOR HEALTH** — Mr Jennings moved, That this House expresses no confidence in the ability of the Minister for Health, Mr David Davis, MP, to acquit his responsibilities to manage and improve health services in Victoria and notes that despite the election promises made by Mr Davis on behalf of the Coalition to improve Victorian health services, the community has witnessed the following deterioration in health care —

- (1) 10,000 more Victorians are on the surgery waiting list than when the Government came to office;
- (2) there were 4157 fewer surgeries performed in 2012-13 than had been performed in 2010-11;
- (3) state-wide response times for Ambulance Code 1 emergency callouts has worsened in each year of this Government;
- (4) the most recent evidence shows that adult cardiac survival rates have worsened;
- (5) ambulance ramping at hospitals delaying patients transfers into Emergency Departments rose to 13,178 per month in 2012-13;
- (6) during 2012-13, 29% of Victorian patients were not treated within required times in emergency departments with one in three patients staying longer than 4 hours and more than 2,000 people staying longer than 24 hours; and
- (7) as highlighted in a recent survey by nurses into available beds, which corroborates national reports by the Australian Institute of Health and Welfare, the number of Victorian hospital beds has gone down.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 8 MINISTER FOR HEALTH** — Debate continued on the question, That this House expresses no confidence in the ability of the Minister for Health, Mr David Davis, MP, to acquit his responsibilities to manage and improve health services in Victoria and notes that despite the election promises made by Mr Davis on behalf of the Coalition to improve Victorian health services, the community has witnessed the following deterioration in health care —

- (1) 10,000 more Victorians are on the surgery waiting list than when the Government came to office;
- (2) there were 4157 fewer surgeries performed in 2012-13 than had been performed in 2010-11;
- (3) state-wide response times for Ambulance Code 1 emergency callouts has worsened in each year of this Government;

- (4) the most recent evidence shows that adult cardiac survival rates have worsened;
- (5) ambulance ramping at hospitals delaying patients transfers into Emergency Departments rose to 13,178 per month in 2012-13;
- (6) during 2012-13, 29% of Victorian patients were not treated within required times in emergency departments with one in three patients staying longer than 4 hours and more than 2,000 people staying longer than 24 hours; and
- (7) as highlighted in a recent survey by nurses into available beds, which corroborates national reports by the Australian Institute of Health and Welfare, the number of Victorian hospital beds has gone down.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek (*Teller*)  
 Mr Tee  
 Ms Tierney

NOES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr D.M. Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips

Question negatived.

**9 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — HEATWAVE PLANNING, RESPONSE AND RECOVERY** — Ms Hartland moved, That this House —

- (1) notes that from 14 to 17 January 2014, Victoria experienced an unprecedented heatwave with the hottest four day period on record for both maximum and daily mean temperatures;
- (2) acknowledges with great sadness, the loss of life due to this heatwave that engulfed Victoria and offers our sincere condolences to those families;
- (3) highly commends the hard work and dedication of staff and volunteers of emergency services, community based health services, local governments and community organisations who responded to the heatwave emergency in extremely difficult conditions;
- (4) recognises that 2013 was Australia's hottest year on record and that climate change is increasing and will continue to increase the frequency, duration and intensity of heatwaves in Victoria; and
- (5) refers to the Legal and Social Issues References Committee for inquiry, consideration and report by 19 August 2014 the heatwave planning, response and recovery with reference to —
  - (a) the adequacy of the Heatwave Plan for Victoria to address the threat to health and life posed by the January 2014 heatwave;
  - (b) the adequacy of emergency services, local government and other key community agencies' heatwave action plans and how effectively they were able to be implemented;

- (c) how effectively Victorians who are most vulnerable to heatwaves, were protected and supported to manage the heat health threat; and
- (d) opportunities for improvement, including considering a whole of government integrated approach, similar to that taken for bushfire emergencies.

Debate ensued.

*Business having been interrupted at 4.30 p.m. pursuant to an Order of the Council this day, the debate stood adjourned in the name of Ms Crozier.*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.55 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 158 — Thursday, 6 February 2014

1 The President took the Chair and read the Prayer.

**2 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 5 February 2014 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Philip Davis and that Mr Andrew Mark Ronalds was elected to hold the vacant place in the Legislative Council.

**3 DECLARATION OF ALLEGIANCE** — Mr Andrew Mark Ronalds, having been introduced, approached the Table and took and subscribed the Oath required by law.

**4 CRIMES AMENDMENT (GROOMING) BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Sex Offenders Registration Act 2004, the Sentencing Act 1991 and the Victims' Charter Act 2006 in relation to a new offence of grooming for sexual conduct with a child under the age of 16 years and for other purposes* and requesting the agreement of the Council.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

**5 SITTING OF THE COUNCIL** — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 18 February 2014.

Question — put and agreed to.

**6 PARLIAMENTARY COMMITTEES** — Mr D.M. Davis moved, by leave, That Mr Ronalds be a member of the Accountability and Oversight Committee and the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

Question — put and agreed to.

**7 PRIVILEGES COMMITTEE AND HOUSE COMMITTEE** — Mr D.M. Davis moved, by leave, That Mrs Peulich be a member of the Privileges Committee and the House Committee.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 713, be postponed until later this day.

**10 BLACK SATURDAY BUSHFIRES** — Mr D.M. Davis moved, That this House —

- (1) notes with sorrow that it is five years since the Black Saturday bushfires, in which lives, homes, and property were lost;
- (2) remembers with deep heartache and sadness, the tragic loss of 173 Victorians and the devastating and everlasting impact that has had on affected families;
- (3) praises those Victorians who have stood shoulder to shoulder to rebuild their communities, and have shown such great resilience and strength after suffering the worst losses imaginable;
- (4) recalls the heroic efforts of volunteers, community members and emergency service personnel who supported those in need during, and after, the fires; and
- (5) notes that fires have again affected Victorian communities in recent weeks, and pledges to support our friends and neighbours as they recover and rebuild.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

**11 INAUGURAL SPEECH** — Mr D.M. Davis moved, That contingent upon his appointment by the joint sitting on Wednesday, 5 Wednesday 2014, the inaugural speech of Mr Andrew Ronalds be now heard.

Question — put and agreed to.

**12 ACTING PRESIDENT'S PANEL** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —  
Mr Cesar Melhem

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 6 February 2014.

BRUCE ATKINSON  
President of the Legislative Council

**13 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013** — 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.

**14 STANDING ORDERS** — Mr D.M. Davis moved, That the Standing Orders of the Legislative Council be amended as follows:

After Standing Order 23.22(4), insert —

- “(5) A committee may take evidence in any manner that the committee considers appropriate including by means of audio link, audio visual link or any other electronic means.
- (6) A committee must determine what weight or value to give to evidence received by different means in accordance with Standing Order 23.22(5).
- (7) Without limiting or affecting the generality of section 19A of the *Constitution Act 1975*, evidence given before a committee in accordance with Standing

Order 23.22(5) must, if the committee so requires, be given on oath or affirmation.

- (8) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either —
- (a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the committee is sitting; or
  - (b) at the direction of, and on behalf of, the committee at the place where the witness is located by a person authorised by the committee.”.

Debate ensued.

Question — put and agreed to.

- 15 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 16 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 17 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr D.M. Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Hall

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds (*Teller*)

Mr Scheffer (*Teller*)

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question 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.

**18 PLANNING AND ENVIRONMENT ACT 1987 — PLANNING SCHEME AMENDMENTS —**

Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Brimbank Planning Scheme Amendment C147 and Hume Planning Scheme Amendment C170 be ratified.

Debate ensued.

Question — put and agreed to.

**19 ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION) BILL 2013 —** 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.

**20 ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE —** The Acting President read a letter from the Hon. Christine Fyffe resigning from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

**21 APPOINTMENT TO COMMITTEES —** Mr D.M. Davis moved, by leave, That —

- (1) Mr Elsbury be discharged from the Environment and Planning Legislation and References Committees and be appointed to the Legal and Social Issues Legislation and References Committees;
- (2) Mrs Peulich be discharged from the Legal and Social Issues Legislation and References Committees and be appointed as a participating Member of the Legal and Social Issues Legislation and References Committees; and
- (3) Mr Ronalds be appointed to the Environment and Planning Legislation and References Committees.

Question — put and agreed to.

**22 ADJOURNMENT —** Mr D.M. Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.33 p.m., adjourned until Tuesday, 18 February 2014.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 156, 157 and 158

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**Tuesday, 4 February 2014**

**1 ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013 (No. 2)**

**Clause 1** — Mr Barber moved —

1. Clause 1, page 2, lines 1 and 2, omit "in respect of the submission, review and approval of" and insert "in relation to".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tee  
Ms Tierney

NOES, 18

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr D.M. Davis  
Mr Drum (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 23** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 6 February 2014**

**1 GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013**

**Clauses 1 to 49** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 159, 160 and 161

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#### No. 159 — Tuesday, 18 February 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 11 February 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Court Services Victoria Act 2014*
  - Electricity Safety Amendment (Bushfire Mitigation) Act 2014*
  - Energy Legislation Amendment (General) Act 2014*
  - Gambling Regulation Amendment (Pre-commitment) Act 2014*
  - Local Government Amendment (Performance Reporting and Accountability) Act 2014*
  - Public Administration Amendment (Public Sector Improvement) Act 2014.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 4 **PAPER — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 2 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.
- 5 **CORRECTIONS AMENDMENT (PAROLE) BILL 2014** — Mr O'Donohue, by leave without notice, introduced *A Bill for an Act to amend the Corrections Act 1986 in relation to the conditions for making a parole order for the prisoner Julian Knight*.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

Mr O'Donohue made a statement pursuant to section 31 of the *Charter of Human Rights and Responsibilities Act 2006* explaining the exceptional circumstances that justify the inclusion of an override declaration.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for two weeks.
- 6 **GAMBLING AND LIQUOR LEGISLATION AMENDMENT (REDUCTION OF RED TAPE) BILL 2014** — Mr O'Donohue, by leave without notice, introduced *A Bill for an Act to amend the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 to further improve the operation of those Acts and for other purposes*.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for two weeks.

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

Melbourne City Link Act 1995 — Sub-Lease between CityLink Melbourne Ltd and Transurban Infrastructure Management Ltd as sub-lessors and Boroondara City Council as sub-lessee pursuant to section 60(11) of the Act.

Murray Valley Citrus Board — Minister's report of failure to submit report for 2012-13 to the Minister within the prescribed period and the reasons therefor and Minister's report of receipt of 2012-13 report.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C183.

Notices of Approval of the following amendments to planning schemes:

Cardinia Planning Scheme — Amendment C174.

Casey Planning Scheme — Amendment C179.

Darebin Planning Scheme — Amendment C131.

Greater Dandenong Planning Scheme — Amendment C168.

Greater Shepparton Planning Scheme — Amendment C167.

Hume Planning Scheme — Amendment C175.

Kingston Planning Scheme — Amendment C139.

Knox Planning Scheme — Amendment C118.

Loddon Planning Scheme — Amendment C33.

Manningham Planning Scheme — Amendment C96.

Maribyrnong Planning Scheme — Amendment C115.

Moreland Planning Scheme — Amendment C34.

Mornington Peninsula Planning Scheme — Amendment C182.

Mount Alexander Planning Scheme — Amendment C54.

Murrindindi Planning Scheme — Amendment C44.

Nillumbik Planning Scheme — Amendment C86.

Port Phillip Planning Scheme — Amendments C64 and C94.

South Gippsland Planning Scheme — Amendment C85.

Stonnington Planning Scheme — Amendment C190.

Surf Coast Planning Scheme — Amendments C84 and C92.

Warrnambool Planning Scheme — Amendment C75.

Whittlesea Planning Scheme — Amendment C141.

A Statutory Rule under the Meat Industry Act 1993 — No. 2/2014.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 160/2013 and 2/2014.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Order 723 — Structured Workplace Learning Arrangements for Non-School Providers of 20 December 2013 made under the Education and Training Reform Act 2006.

Ministerial Order 724 — Work Experience Arrangements for Non-School Providers of 20 December 2013 made under the Education and Training Reform Act 2006.

Notice of amendments to Australian Rules of Harness Racing of 13 February 2014 under the Racing Act 1958.

\* \* \* \* \*

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

Heavy Vehicle National Law Application Act 2013 — except section 53 and Part 2 of the Schedule — 10 February 2014 (*Gazette No. S28, 4 February 2014*).

Road Legislation Amendment Act 2013 — Part 4 and section 34 — 10 February 2014 (*Gazette No. S28, 4 February 2014*).

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 19 February 2014:

- (1) the Notice of Motion given this day by Mr Somyurek relating to the loss of jobs in the Victorian automotive manufacturing industry;
- (2) Notice of Motion No. 722 standing in the name of Ms Mikakos relating to funding cuts to residential aged care;
- (3) Notice of Motion No. 721 standing in the name of Mr Barber revoking Amendment VC105 to the Victoria Planning Provisions;
- (4) Notice of Motion No. 677 standing in the name of Ms Pennicuik relating to the Formula One Australian Grand Prix; and
- (5) Order of the Day No. 22, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**11 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2013 (No. 2)** — Debate resumed on the question, That the Bill be now read a second time.

Mr Melhem moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the Government develops a single, state-wide integrated, strategic land use policy framework to better manage competing land uses in Victoria, as recommended by the Economic Development and Infrastructure Committee's Report on the Inquiry into greenfields mineral exploration and project development in Victoria, and which specifically includes a hierarchy of land uses to evaluate their relative values."

Debate ensued.

Question — That the reasoned amendment moved by Mr Melhem be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva ( <i>Teller</i> )
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Hall
Ms Pennicuik	Mr Koch
Ms Pulford ( <i>Teller</i> )	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek ( <i>Teller</i> )	Mrs Millar
Mr Tarlamis	Mr O'Brien ( <i>Teller</i> )
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
	Mrs Peulich
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson  
 Ms Broad (*Teller*)  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum (*Teller*)  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Question agreed to.

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.

**12 SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013** — 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, 35

Mr Atkinson  
 Ms Broad  
 Mrs Coote

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question agreed to.

Bill read a second time.

Mr Lenders moved, That the Sustainable Forests (Timber) and Wildlife Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 30 June 2014 on the impact of the measures of the Bill, and specifically requires the Committee to call as witnesses the —

- (1) Secretary of the Department of Justice in relation to the severity of penalties; and
- (2) Secretary of the Department of Environment and Primary Industries in relation to the resources currently applied to enforce the laws regarding duck-hunting.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmar	Mr Dalla-Riva
Mr Jennings ( <i>Teller</i> )	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy

Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)

Question 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.

- 13 SESSIONAL ORDERS** — Leave having been granted to Mr Davis to move his motion in an amended form, Mr Davis moved, That the Sessional Orders adopted by the Council on 11 October 2011 and amended on 17 October 2013 be amended as follows:

(1) **INTERRUPTION OF BUSINESS**

In Sessional Order 1, in Standing Order 4.06 (1) (c), omit "6.30 p.m." and insert "not later than 7.00 p.m.".

- (2) Insert the following new Sessional Order —

**'ROUTINE OF BUSINESS**

2. That Standing Order 5.02 (2) be suspended and the following will apply:

"(2) On Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

**At 12 noon** Questions

Answers to Questions on Notice

General Business (continues)

**At 5.30 p.m.** Statements on reports and papers (60 minutes)

Government Business (maximum 30 minutes)

**IF STANDING COMMITTEES MEETING**

**Not later than 7.00 p.m.** Adjournment

**At conclusion of sitting** Standing Committees

**IF STANDING COMMITTEES NOT MEETING**

**At 8.00 p.m.** General Business OR Government Business

Adjournment (up to 20 Members).".'

- (3) Insert the following new Sessional Order —

**'URGENT BILLS**

6. In Standing Order 14.33 insert —

“(4) Notwithstanding Standing Order 7.06, when a Bill that has been received from the Legislative Assembly has been declared urgent, if, after the second reading speech has been given —

(a) the Minister makes a statement to the House declaring the Bill is the same in substance as a Bill already read a second time and for which the report of the Committee of the whole (if any) has been adopted by the Council in the same Session; and

(b) the President is of the same opinion;

any further debate on the question “That the Bill be now read a second time” will be dispensed with and the question will be put immediately without amendment.

No other question may be proposed except the question “That the Bill be now read a third time and do pass” which will be put without amendment or debate.”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 17

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Mr Eideh

Mr Dalla-Riva

Mr Elasmar

Mr Davis

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury (*Teller*)

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Mr Melhem

Mr Koch

Ms Mikakos

Mrs Kronberg

Ms Pennicuik

Ms Lovell

Ms Pulford

Mrs Millar

Mr Scheffer

Mr O'Brien

Mr Somyurek

Mr O'Donohue

Mr Tarlamis (*Teller*)

Mr Ondarchie

Mr Tee

Mrs Peulich

Ms Tierney (*Teller*)

Mr Ramsay (*Teller*)

Mr Rich-Phillips

Mr Ronalds

Question agreed to.

**14 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 9.26 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## **No. 160 — Wednesday, 19 February 2014**

**1** The President took the Chair and read the Prayer.

**2 PETITION — GIPPSLAND PUBLIC TRANSPORT SERVICES** — Mr Scheffer presented a Petition bearing 3,670 signatures from certain citizens of Victoria requesting that the

Government deliver much better and more reliable public transport services to residents of East and North Gippsland.

Ordered to lie on the Table.

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

Auditor-General's Report on Asset Management and Maintenance by Councils, February 2014.

Heavy Vehicle National Law Application Act 2013 — Heavy Vehicle (Vehicle Standards) National Regulation pursuant to section 6 of the Act.

Independent Broad-based Anti-corruption Commission — Special Report concerning allegations about the conduct of Sir Ken Jones QPM in relation to his dealings with certain confidential Victoria Police information, February 2014.

Legal Profession Act 2004 — Practitioner Remuneration Order 2014.

Melbourne City Link Act 1995 — Melbourne City Link Thirty-Second Amending Deed, 17 February 2014, pursuant to section 15(2) of the Act.

**4 ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE** — Mr Lenders moved, by leave, That —

- (1) Mr Scheffer be a participating member of the Economy and Infrastructure Legislation Committee; and
- (2) Mr Scheffer act as a substitute member of the Economy and Infrastructure Legislation Committee for Mr Lenders.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 AUTOMOTIVE MANUFACTURING** — Mr Somyurek moved, That this House notes that —

- (1) the withdrawal of Ford, Holden and Toyota from local manufacturing activity has occurred within 11 months of Dr Napthine being appointed Premier and Mr Hodget being appointed Minister for Manufacturing;
- (2) Mr Abbott and Mr Hockey engaged in a game of brinkmanship at the expense of the jobs of tens of thousands of Australian and Victorian automotive manufacturing workers by daring the automotive manufacturing companies to leave Australia; and
- (3) the Baillieu/Napthine Governments have consistently failed to respond to the Victorian ALP's calls for an auto plan in order to avert the demise of our automotive manufacturing industry;

and condemns the Abbott and Napthine Governments for failing to support the critically important Australian automotive manufacturing industry and, therefore, the jobs of tens of thousands of Victorians.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 AUTOMOTIVE MANUFACTURING** — Debate continued on the question, That this House notes that —

- (1) the withdrawal of Ford, Holden and Toyota from local manufacturing activity has occurred within 11 months of Dr Napthine being appointed Premier and Mr Hodget being appointed Minister for Manufacturing;
- (2) Mr Abbott and Mr Hockey engaged in a game of brinkmanship at the expense of the jobs of tens of thousands of Australian and Victorian automotive manufacturing workers by daring the automotive manufacturing companies to leave Australia; and
- (3) the Baillieu/Napthine Governments have consistently failed to respond to the Victorian ALP's calls for an auto plan in order to avert the demise of our automotive manufacturing industry;

and condemns the Abbott and Napthine Governments for failing to support the critically important Australian automotive manufacturing industry and, therefore, the jobs of tens of thousands of Victorians.

On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 722, be postponed until later this day.

**10 VICTORIA PLANNING PROVISIONS — AMENDMENT VC105** — Mr Barber moved, That pursuant to section 38 of the *Planning and Environment Act 1987*, Amendment VC105 to the Victoria Planning Provisions be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmr	Mr Dalla-Riva
Mr Jennings	Mr Drum
Ms Hartland	Mr Elsbury
Mr Leane ( <i>Teller</i> )	Mr Finn
Mr Lenders	Mr Guy
Mr Melhem	Mr Hall
Ms Mikakos	Mr Koch
Ms Pennicuik	Mrs Kronberg ( <i>Teller</i> )
Ms Pulford	Ms Lovell
Mr Scheffer	Mrs Millar
Mr Somyurek ( <i>Teller</i> )	Mr O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negated.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 687, be postponed until later this day.

**13 FENCES AMENDMENT BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Fences Act 1968 to provide a procedure for the sharing of costs between neighbours for dividing fences and a mechanism for the resolution of disputes about dividing fences, to make amendments about other matters in relation to dividing fences, and to amend other Acts and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

**14 PARLIAMENTARY COMMITTEE RESIGNATIONS** — The Acting President read letters from —

- (1) Ms Hennessy resigning from the Public Accounts and Estimates Committee; and
- (2) Ms Crozier, Mr McGuire and Mr Wakeling resigning from the Family and Community Development Committee.

**15 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.45 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 161 — Thursday, 20 February 2014

1 The President took the Chair and read the Prayer.

**2 THE LATE DR RALPH WILLIAM HOWARD** — The President advised the House of the death on 19 December 2013 of Dr Ralph William Howard, Member of the Legislative Council for Templestowe Province from 1976 to 1982.

Members stood in their places as a mark of respect to the memory of the late Dr Howard.

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

Ombudsman — Ombudsman's recommendations – Third report on their implementation, February 2014.

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of Ministerial Orders 705, 713, 714 and 715, 14 February 2014 under the Education and Training Reform Act 2006.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Acting Clerk:

Co-operatives National Law Application Act 2013 — 3 March 2014 (*Gazette No. S46, 18 February 2014*).

**4 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 11 March 2014.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2013 (No. 2)** — 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.

**8 CRIMES AMENDMENT (GROOMING) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 10 CRIMES AMENDMENT (GROOMING) BILL 2013** — Debate continued 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.
- 11 DOMESTIC ANIMALS AMENDMENT BILL 2013** — 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.
- 12 SUMMARY OFFENCES AND SENTENCING AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 and the Sentencing Act 1991 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Ms Mikakos, the debate was adjourned for one week.
- 13 CORRECTIONS LEGISLATION AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *a Bill for an Act to amend the Corrections Act 1986, the Prisoners (Interstate Transfer) Act 1983 and the Serious Sex Offenders (Detention and Supervision) Act 2009 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.  
On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.
- 14 LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to apply the Legal Profession Uniform Law as a law of Victoria, to provide for certain local matters to complement that Law, to repeal the Legal Profession Act 2004, to make transitional arrangements, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Rich-Phillips, the second reading speech (except for the statement under section 31 of the *Charter of Human Rights and Responsibilities Act 2006*) was incorporated into Hansard.  
Mr Rich-Phillips moved, That the Bill be now read a second time.

Mr Rich-Phillips made a statement pursuant to section 31 of the *Charter of Human Rights and Responsibilities Act 2006* explaining the exceptional circumstances that justify the inclusion of an override declaration.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 15 SMALL BUSINESS COMMISSIONER AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Small Business Commissioner Act 2003 to amend the functions and powers of the Small Business Commissioner, to improve alternative dispute resolution services, to confer powers on the Commissioner to publish information relating to disputes and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES (POPPY CULTIVATION AND PROCESSING) AMENDMENT BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a licensing scheme for poppy cultivation and processing and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 17 TRAVEL AGENTS REPEAL BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal the Travel Agents Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Tarlamis, the debate was adjourned for one week.

- 18 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.01 p.m., adjourned until Tuesday, 11 March 2014.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 159, 160 and 161

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Tuesday, 18 February 2014

### 1 MINERAL RESOURCES (PRE-COMMITMENT) BILL 2013 (No. 2)

Clauses 1 to 4 — put and agreed to.

Clause 5 — Mr Melhem moved —

1. Clause 5, after line 26 insert—

"(3) After section 7(7) of the Principal Act insert—

- '(8) If the Minister exempts land from being subject to a licence under subsection (1), the Minister must cause a summary of the reasons for the decision to be published on the Department's Internet site no later than notice of the exemption is published in accordance with subsection (4).
- (9) A decision to exempt land from being subject to a licence under subsection (1), may be disallowed in whole or in part by either House of Parliament.
- (10) Parts 3A and 5A of the **Subordinate Legislation Act 1994** apply to an exemption under subsection (1) as if—
  - (a) a reference in those Parts to a "legislative instrument" were a reference to an exemption under subsection 7(1) of the **Mineral Resources (Sustainable Development) Act 1990**; and
  - (b) a reference in sections 16B and 25C of that Act to "section 16A" were a reference to section 7(1) of the **Mineral Resources (Sustainable Development) Act 1990**."

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem (*Teller*)  
Ms Mikakos  
Ms Pennicuik (*Teller*)  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Hall  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

Amendment negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 43** — put and agreed to.

**Bill reported without amendment.**

## 2 SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Question — That Clause 5 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

NOES, 17

Mr Barber  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

Question agreed to.

**Clauses 6 to 29** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 162, 163 and 164

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#### No. 162 — Tuesday, 11 March 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 25 February 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Crimes Amendment (Grooming) Act 2014*
  - Domestic Animals Amendment Act 2014*
  - Drugs, Poisons and Controlled Substances Amendment Act 2014*
  - Mineral Resources (Sustainable Development) Amendment Act 2014*
  - Sustainable Forests (Timber) and Wildlife Amendment Act 2014.*
- 3 **HOUSE COMMITTEE RESIGNATION** — The President read a letter from Mr Damian Drum resigning from the House Committee, effective from 25 February 2014.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **PAPERS** —
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 3 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Crown Land (Reserves) Act 1978 — Minister's Order of 4 February 2014 giving approval to the granting of a licence at Torquay and Jan Juc Foreshore Reserve.

Gambling Regulation Act 2003 — Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — March 2014 and Summary of Variations notified between 1 October 2013 and 6 March 2014.

Municipal Association of Victoria — Report, 2012-13.

Planning and Environment Act 1987 —

Cardinia Planning Scheme Amendment C72 together with notice specifying the granting of a permit.

Notices of Approval of the following amendments to planning schemes:

Boroondara Planning Scheme — Amendment C160 Part 2.

Casey, Greater Bendigo and Monash Planning Schemes — Amendment GC5.  
 Colac Otway Planning Scheme — Amendment C72 Part 1.  
 Corangamite Planning Scheme — Amendment C35.  
 Glen Eira Planning Scheme — Amendment C99.  
 Greater Geelong Planning Scheme — Amendment C246.  
 Horsham Planning Scheme — Amendment C57.  
 Melbourne Planning Scheme — Amendments C142, C226 and C228.  
 Melton Planning Scheme — Amendment C151.  
 Mount Alexander Planning Scheme — Amendment C70.  
 Pyrenees Planning Scheme — Amendment C38.  
 South Gippsland Planning Scheme — Amendment C82.  
 Wangaratta Planning Scheme — Amendment C47.  
 Whittlesea Planning Scheme — Amendment C170.  
 Wyndham Planning Scheme — Amendments C143 and C151.

Statutory Rules under the following Acts of Parliament:

Australian Crime Commission (State Provisions) Act 2003 — No. 4.

Co-operatives National Law Application Act 2013 — No. 3.

Fisheries Act 1995 — No. 5.

Transport (Compliance and Miscellaneous) Act 1983 — No. 6.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 3 to 6.

Legislative Instrument and related documents under section 16B in respect of Strategic Planning Guidelines (Amendment) — TAFE Institutes of 26 February 2014 made under the Education and Training Reform Act 2006.

Victorian Environmental Assessment Council Act 2001 —

Government Response to the Victorian Environmental Assessment Council's Yelligbo Investigation Final Report, March 2014.

Statement of Response and Terms of Reference for Victorian Environmental Assessment Council's Investigation into Historic Places.

Victorian Inspectorate —

Report 2012-13, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Office of Police Integrity and the Independent Broad-based Anti-corruption Commission.

Report 2012-13, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report 2012-13, pursuant to section 74P of the Wildlife Act 1975 in relation to the Department of Sustainability and Environment.

Report 2012-13, pursuant to section 131T of the Fisheries Act 1995 in relation to the Department of Primary Industries.

Report 2013-14, No. 1, pursuant to section 30Q of the Surveillance Devices Act 1999.

Water Act 1989 — Abolition of the Shepparton Irrigation Region Groundwater Supply Protection Area Order 2014.

\* \* \* \* \*

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

Public Administration Amendment (Public Sector Improvement) Act 2014 — 1 April 2014 (*Gazette No. S65, 4 March 2014*).

Superannuation Legislation Amendment Act 2013 — Part 1, Division 2 of Part 2, Part 3 and Part 4 — 1 April 2014 (*Gazette No. S65, 4 March 2014*).

- 6 PRODUCTION OF DOCUMENTS — EAST-WEST LINK BUSINESS CASE** — The Acting Clerk read a letter from the Minister for Roads, dated 19 February 2014, in response to the Resolution of the Council of 11 December 2013 seeking the production of the business case relating to the proposed East-West Link, advising that the Government will not be able to respond to the Resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

On the motion of Mr Tee, the Minister's letter was ordered to be taken into consideration on the next day of meeting.

**7 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 12 March 2014:

- (1) Notice of Motion No. 735 standing in the name of Mr Tarlamis relating to the production of documents concerning Patrick Stevedores relocating from Webb Dock East;
- (2) the notice of motion given this day by Mr Scheffer relating to the coal fire in the Hazelwood open cut mine;
- (3) Notice of Motion No. 658 standing in the name of Mr Leane relating to increases in camping fees;
- (4) Notice of Motion No. 736 standing in the name of Ms Pennicuik revoking Amendment C190 to the Stonnington Planning Scheme;
- (5) Notice of Motion No. 677 standing in the name of Ms Pennicuik relating to the Formula One Australian Grand Prix; and
- (6) Order of the Day No. 16, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**10 CORRECTIONS LEGISLATION AMENDMENT BILL 2013** — 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.

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

**12 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (REDUCTION OF RED TAPE) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 to 6, be postponed until later this day.

**14 SUMMARY OFFENCES AND SENTENCING AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Davis moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 18

Mr Atkinson

Mr Barber

Mrs Coote

Ms Broad

Ms Crozier

Ms Darveniza

Mr Davis

Mr Eideh (*Teller*)

Mr Drum

Mr Elasmarr

Mr Elsbury

Mr Jennings

Mr Finn	Ms Hartland ( <i>Teller</i> )
Mr Guy	Mr Leane
Mr Hall	Mr Lenders
Mr Koch	Mr Melhem
Mrs Kronberg	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mrs Millar	Ms Pulford
Mr O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay ( <i>Teller</i> )	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury ( <i>Teller</i> )	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Mrs Kronberg ( <i>Teller</i> )	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mrs Millar	Ms Pulford
Mr O'Brien	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis ( <i>Teller</i> )
Mrs Peulich	Mr Tee
Mr Ramsay	Ms Tierney ( <i>Teller</i> )
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Summary Offences and Sentencing Amendment Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 27 May 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 19
Mr Atkinson	Mrs Coote
Mr Barber ( <i>Teller</i> )	Ms Crozier
Ms Broad	Mr Dalla-Riva
Ms Darveniza	Mr Drum
Mr Eideh	Mr Elsbury

Mr Elasmarr	Mr Finn
Mr Jennings	Mr Guy
Ms Hartland	Mr Hall
Mr Leane	Mr Koch
Mr Lenders	Mrs Kronberg
Mr Melhem	Ms Lovell
Ms Mikakos	Mrs Millar
Ms Pennicuik	Mr O'Brien
Ms Pulford	Mr O'Donohue
Mr Scheffer ( <i>Teller</i> )	Mr Ondarchie ( <i>Teller</i> )
Mr Somyurek	Mrs Peulich
Mr Tarlamis	Mr Ramsay
Mr Tee	Mr Rich-Phillips
Ms Tierney	Mr Ronalds ( <i>Teller</i> )

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

Ms Mikakos moved, That it be an instruction to the Committee that they have power to divide the Summary Offences and Sentencing Amendment Bill 2013 into two Bills as follows:

- (a) A **Summary Offences Amendment Bill 2014** being the Summary Offences and Sentencing Amendment Bill 2013 with the following changes:
- (i) Long title as follows:  
"A Bill for an Act to amend the **Summary Offences Act 1966** and for other purposes.";
  - (ii) Short title as follows:  
**"Summary Offences Amendment Bill 2014"**;
  - (iii) Heading to Part 1 of the Bill;
  - (iv) Clause 1 as follows:  
**"1 Purpose**  
The purpose of this Act is to amend the **Summary Offences Act 1966** in relation to directions to move on and to provide for the making of exclusion orders from public places.";
  - (v) Clause 2;
  - (vi) Heading to Part 2 of the Bill;
  - (vii) Clause 3;
  - (viii) Clause 4;
  - (ix) Clause 5;
  - (x) Clause 6 as follows:  
**"6 Transitional provision**  
After section 62(8) of the **Summary Offences Act 1966** insert—  
"(9) This Act, as amended by section 5 of the **Summary Offences Amendment Act 2014**, applies in respect of a direction given under section 6 on or after the commencement of that Act.";
  - (xi) Part 3 of the Bill omitted;
  - (xii) Heading to Part 4 of the Bill renumbered 3;
  - (xiii) Clause 9 renumbered 7;
- (b) A **Sentencing Amendment Bill 2014** being the Summary Offences and Sentencing Amendment Bill 2013 with the following changes:
- (i) Long title as follows:  
"A Bill for an Act to amend the **Sentencing Act 1991** and for other purposes.";
  - (ii) Short title as follows:  
**"Sentencing Amendment Bill 2014"**;
  - (iii) Heading to Part 1 of the Bill;
  - (iv) Clause 1 as follows:  
**"1 Purpose**  
The purpose of this Act is to amend the **Sentencing Act 1991** to provide for the making of alcohol exclusion orders in relation to offenders who commit certain violent assaults.";

- (v) Clause 2;
- (vi) Part 2 of the Bill omitted;
- (vii) Heading to Part 3 of the Bill renumbered 2;
- (viii) Clause 7 renumbered 3;
- (ix) Clause 4 as follows:

**"4 New section 151 inserted**

After section 150 of the **Sentencing Act 1991** insert—

**"151 Transitional provision—Sentencing Amendment Act 2014**

- (1) This Act, as amended by Part 2 of the **Sentencing Amendment Act 2014**, applies in respect of a relevant offence committed after the commencement date.
- (2) For the purposes of subsection (1), if an offence is alleged to have been committed between 2 dates, one before and one after the commencement date, the offence is alleged to have been committed before that commencement.
- (3) In this section, commencement date means the date on which all of the provisions of Part 2 of the **Sentencing Amendment Act 2014** have come into operation.";

- (x) Heading to Part 4 of the Bill renumbered 3;
- (xi) Clause 9 renumbered 5;

- (c) That each Bill be printed and considered separately by the Council.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Question negated.

Bill committed to a Committee of the whole.

House in Committee.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 12 MARCH 2014

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 CORRECTIONS AMENDMENT (PAROLE) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

**16 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 1.25 a.m., adjourned until this day at 9.30 a.m.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 163 — Wednesday, 12 March 2014

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE — AUSTRALIAN HEALTH PRACTITIONER REGULATION AGENCY** — Ms Crozier presented a Report from the Legal and Social Issues Legislation Committee on the Performance of the Australian Health Practitioner Regulation Agency (including Appendices, extracts of the proceedings, and minority reports) together with transcripts of evidence.

Ordered to lie on the Table and to be printed.

Ms Crozier moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Auditor-General's Report on Apprenticeship and Traineeship Completion, March 2014.

Crown Land (Reserves) Act 1978 —

Minister's Order of 20 January 2014 giving approval to the granting of a lease at Westerfolds Park Reserve.

Minister's Order of 2 December 2013 giving approval to the granting of a licence at Millars Creek Bushland Reserve.

Ombudsman — Report on Conflict of interest in the Victorian public sector – ongoing concerns, March 2014.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

4 **PRODUCTION OF DOCUMENTS — PATRICK STEVEDORES RELOCATION FROM WEBB DOCK EAST** — Mr Tee (for Mr Tarlamis) moved, That this House requires the Leader of the Government to table in the Legislative Council by 1 April 2014, all relevant documents in the custody, knowledge or control of the Victorian Government that relate to discussions or a decision to provide Patrick Stevedores with compensation for relocating from Webb Dock East.

Debate ensued.

Question — put and agreed to.

5 **HAZELWOOD FIRE, MORWELL — BOARD OF INQUIRY** — Mr Scheffer moved, That —

(1) this House —

(a) notes the —

- (i) severe impact the coal fire in the Hazelwood open cut mine is having on the town of Morwell and other nearby locations in the Latrobe Valley;
  - (ii) complexity of the fire and the difficult circumstances in the mine under which firefighters and other personnel are operating;
  - (iii) delayed response by Government Departments and agencies in providing information, services, and assistance to the community;
  - (iv) conjecture about the fire prevention, electricity redundancy, and rehabilitation strategies in place and the extent to which the incident could have been avoided or the severity reduced; and
  - (v) announcement by the Government that the Honourable Bernard Teague, AO, will head a Board of Inquiry into the circumstances and events surrounding the Hazelwood fire;
- (b) further notes that the Premier's announcement makes no commitment to the public release of the Inquiry's findings or any requirement to report to the Parliament;
- (c) urges the Board of Inquiry to conduct public hearings in, but not limited to, the Latrobe Valley, and to specifically call as witnesses:
- (i) the Secretary of the Department of State Development, Business and Innovation;
  - (ii) the Secretary of the Department of Health;
  - (iii) the Secretary of the Department of Human Services;
  - (iv) the Environmental Protection Authority;
  - (v) the Chief Health Officer, Dr Rosemary Lester;
  - (vi) the Fire Services Commissioner, Mr Craig Lapsley;
  - (vii) the Chief Officer, Country Fire Authority;
  - (viii) the Chief Commissioner, Victoria Police;
  - (ix) the State Emergency Services;
  - (x) GDF SUEZ;
  - (xi) SP Ausnet;
  - (xii) the United Firefighters Union;
  - (xiii) Volunteer Fire Brigades Victoria;
  - (xiv) Advance Morwell;
  - (xv) the CFMEU Mining and Energy Division;
  - (xvi) Latrobe Community Health Service;
  - (xvii) Latrobe City Council;
  - (xviii) any contractors the Committee deems appropriate; and
  - (xix) any other witnesses the Committee may seek to call.
- (2) the House will consider the contents of the Report in September 2014.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 HAZELWOOD FIRE, MORWELL — BOARD OF INQUIRY** — Debate continued on the question, That

- (1) this House —
  - (a) notes the —
    - (i) severe impact the coal fire in the Hazelwood open cut mine is having on the town of Morwell and other nearby locations in the Latrobe Valley;
    - (ii) complexity of the fire and the difficult circumstances in the mine under which firefighters and other personnel are operating;
    - (iii) delayed response by Government Departments and agencies in providing information, services, and assistance to the community;

- (iv) conjecture about the fire prevention, electricity redundancy, and rehabilitation strategies in place and the extent to which the incident could have been avoided or the severity reduced; and
- (v) announcement by the Government that the Honourable Bernard Teague, AO, will head a Board of Inquiry into the circumstances and events surrounding the Hazelwood fire;
- (b) further notes that the Premier's announcement makes no commitment to the public release of the Inquiry's findings or any requirement to report to the Parliament;
- (c) urges the Board of Inquiry to conduct public hearings in, but not limited to, the Latrobe Valley, and to specifically call as witnesses:
  - (i) the Secretary of the Department of State Development, Business and Innovation;
  - (ii) the Secretary of the Department of Health;
  - (iii) the Secretary of the Department of Human Services;
  - (iv) the Environmental Protection Authority;
  - (v) the Chief Health Officer, Dr Rosemary Lester;
  - (vi) the Fire Services Commissioner, Mr Craig Lapsley;
  - (vii) the Chief Officer, Country Fire Authority;
  - (viii) the Chief Commissioner, Victoria Police;
  - (ix) the State Emergency Services;
  - (x) GDF SUEZ;
  - (xi) SP Ausnet;
  - (xii) the United Firefighters Union;
  - (xiii) Volunteer Fire Brigades Victoria;
  - (xiv) Advance Morwell;
  - (xv) the CFMEU Mining and Energy Division;
  - (xvi) Latrobe Community Health Service;
  - (xvii) Latrobe City Council;
  - (xviii) any contractors the Committee deems appropriate; and
  - (xix) any other witnesses the Committee may seek to call.

(2) the House will consider the contents of the Report in September 2014.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik (*Teller*)  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Hall  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay (*Teller*)

Mr Rich-Phillips  
Mr Ronalds

Question negatived.

**8 CAMPING FEES** — Mr Leane moved, That this House notes that —

- (1) after promising to lower the cost of living and failing, the Napthine Government has put a further impost on Victorian families by hiking camping fees at some sites in national parks up to \$60 a night, as well as putting a charge on eleven national parks where camping was previously free; and
- (2) this will have a harmful effect on families that can only choose affordable holidaying options and will definitely result in the Napthine Government having to face more unhappy campers at next year's election.

Debate ensued.

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

**9 STONNINGTON PLANNING SCHEME AMENDMENT C190** — Ms Pennicuik moved, That pursuant to section 38 of *the Planning and Environment Act 1987*, Amendment C190 to the Stonnington Planning Scheme be revoked.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland	Mr Elsbury
Mr Leane ( <i>Teller</i> )	Mr Finn
Mr Lenders	Mr Guy
Mr Melhem ( <i>Teller</i> )	Mr Hall
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich ( <i>Teller</i> )
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 669, be postponed until later this day.

**12 CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014** — Mr Guy (for Mr O'Donohue), pursuant to notice, introduced *A Bill for an Act to amend the Corrections Act 1986 to make special provisions in relation to the release of a prisoner on parole in respect of a sexual offence or a serious violent offence and to a prisoner whose parole has been previously cancelled, to clarify certain provisions relating to the procedure of meetings of the Adult Parole Board and for other purposes.*

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

**13 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.58 p.m., adjourned until tomorrow.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

## No. 164 — Thursday, 13 March 2014

1 The President took the Chair and read the Prayer.

2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Acting Clerk:

Budget Sector — 2013-14 Mid-Year Financial Report, incorporating Quarterly Financial Report No. 2, for the period ended 31 December 2013.

3 **SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 25 March 2014.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

6 **CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for two weeks.

7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (POPPY CULTIVATION AND PROCESSING) AMENDMENT BILL 2013** — 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.

8 **TRAVEL AGENTS REPEAL BILL 2013** — 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  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Hall

NOES, 17

Mr Barber  
Ms Broad  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem (*Teller*)  
Ms Mikakos

Ms Lovell	Ms Pennicuik
Mrs Millar ( <i>Teller</i> )	Ms Pulford
Mr O'Brien	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay	Ms Tierney ( <i>Teller</i> )
Mr Rich-Phillips	
Mr Ronalds ( <i>Teller</i> )	

Question 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.

- 9 SMALL BUSINESS COMMISSIONER AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

- 11 SMALL BUSINESS COMMISSIONER AMENDMENT BILL 2013** — Debate continued 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.

- 12 LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2013** — 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.

- 13 FENCES AMENDMENT BILL 2014** — 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 ordered to be read a third time on the next day of meeting.

- 14 EDUCATION AND TRAINING REFORM AMENDMENT (REGISTRATION OF EARLY CHILDHOOD TEACHERS AND VICTORIAN INSTITUTE OF TEACHING) BILL 2014** —

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006, the Children, Youth and Families Act 2005, the Child Employment Act 2003, the Fundraising Act 1998 and the Working with Children Act 2005 and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 15 ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Environment Protection Act 1970 and the Sustainability Victoria Act 2005 to establish a new framework for waste and resource recovery planning in Victoria, to amend*

*the Alpine Resorts (Management) Act 1997 to make a consequential amendment, and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

- 16 GAME MANAGEMENT AUTHORITY BILL 2013** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Game Management Authority, to amend the Wildlife Act 1975 and the Conservation, Forests and Lands Act 1987 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 17 HEALTH SERVICES AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 18 MENTAL HEALTH BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide a legislative scheme for the treatment of persons with mental illness, to repeal the Mental Health Act 1986, to make consequential amendments to the Sentencing Act 1991, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned for one week.

- 19 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Civil and Administrative Tribunal Act 1998 to enhance the powers of the Tribunal and enact a new regime for expert witnesses and expert evidence and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

**20 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.56 p.m., adjourned until Tuesday, 25 March 2014.

MATTHEW TRICARICO  
*Acting Clerk of the Legislative Council*

# **COMMITTEE OF THE WHOLE COUNCIL**

## **Supplement to Minutes Nos. 162, 163 and 164**

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**Tuesday, 11 March 2014**

**1 SUMMARY OFFENCES AND SENTENCING AMENDMENT BILL 2013**

**Clauses 1 to 9** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 165, 166 and 167

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#### No. 165 — Tuesday, 25 March 2014

- 1 The President took the Chair and read the Prayer.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

17 March 2014

The Hon. Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that the Hon. Peter Hall MLC called on me today and handed me his letter of resignation as Member of the Legislative Council for Eastern Victoria, effective from today. It seems that section 27A of the *Constitution Act 1975* requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Speaker and the Premier in like terms.

I enclose a copy of Mr Hall's letter for your records.

Yours sincerely,

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

17 March 2014

His Excellency the Honourable Alex Chernov, AC, QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I write to formally advise you that as of 17 March 2014, I resign as the Member for Eastern Victoria in the Legislative Council.

I understand that under section 30 of the Constitution Act 1975, my resignation will take immediate effect on Your Excellency's receipt of this letter.

I have had the privilege to be a member of the Victorian parliament for more than 25 years, first as the Member for Gippsland Province and then Eastern Victoria Region. It has been an honour to serve the people of Victoria over this period of time, particularly in recent years as Minister for Higher Education and Skills and Minister responsible for the Teaching Profession. In this later capacity I have also very much enjoyed working with the Office of the Governor and thank you and Mrs Chernov for your tireless work for all Victorians.

Yours sincerely,

The Hon. Peter Hall, MLC

\* \* \* \* \*

Mr Davis moved, by leave, That this House meets the Legislative Assembly 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 Hon. Peter Hall and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 26 March 2014 at 6.15 p.m.

Question — put and agreed to.

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

**3 ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 18 March 2014 —

*Corrections Legislation Amendment Act 2014*

*Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Act 2014*

*Small Business Commissioner Amendment Act 2014*

*Summary Offences and Sentencing Amendment Act 2014*

*Travel Agents Repeal Act 2014.*

On 25 March 2014 —

*Legal Profession Uniform Law Application Act 2014.*

**4 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**5 PARLIAMENTARY COMMITTEES RESIGNATIONS** — The President announced that he had received letters from —

- (1) Mr Bull resigning from the Environment and Natural Resources Committee;
- (2) Mr Drum resigning from the Rural and Regional Committee;
- (3) Mr Newton-Brown resigning from the Independent Broad-based Anti-corruption Commission Committee;
- (4) Mr Northe resigning from the Electoral Matters Committee;
- (5) Mr O'Brien resigning from the Family and Community Development Committee; and
- (6) Mrs Peulich and Mr Shaw resigning from the Economic Development, Infrastructure and Outer Suburban Interface Services Committee.

**5 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 4 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

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

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, 2012-13.

Crown Land (Reserves) Act 1978 — Minister's Order of 14 March 2014 giving approval to the granting of a lease at Lorne Foreshore Reserve.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 2.

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

Campaspe Planning Scheme — Amendment C100.

Cardinia Planning Scheme — Amendment C181.

Casey Planning Scheme — Amendments C91 and C191.

Central Goldfields Planning Scheme — Amendment C25.

Corangamite Planning Scheme — Amendment C34.

East Gippsland Planning Scheme — Amendment C116.

Greater Bendigo Planning Scheme — Amendments C183 and C189.

Greater Geelong Planning Scheme — Amendment C304.

Maroondah Planning Scheme — Amendment C88.

Melbourne Planning Scheme — Amendment C142.

Mildura Planning Scheme — Amendment C64.

Moonee Valley Planning Scheme — Amendment C108.

Moorabool Planning Scheme — Amendment C6 (Part 2).

Moreland Planning Scheme — Amendment C128.

Mornington Peninsula Planning Scheme — Amendments C155, C175 and C195.

Port Phillip Planning Scheme — Amendment C78.

Stonnington Planning Scheme — Amendment C109.

Surf Coast Planning Scheme — Amendments C66, C79 and C95.

Wellington Planning Scheme — Amendment C81.

Whitehorse Planning Scheme — Amendment C156.

Wodonga Planning Scheme — Amendment C111.

Wyndham Planning Scheme — Amendments C182 and C205.

Yarra Planning Scheme — Amendment C117.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 7 and 8.

\* \* \* \* \*

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

Sustainable Forests (Timber) and Wildlife Amendment Act 2014 — Part 1, sections 4(3), 5, 7 and 13, Part 3 and Part 5 — 14 March 2014 (*Gazette No. S72, 11 March 2014*).

Tobacco Amendment Act 2013 — 1 April 2014 (*Gazette No. S81, 18 March 2014*).

**6 PRODUCTION OF DOCUMENTS — EAST-WEST LINK BUSINESS CASE** — The Clerk read a letter from the Minister for Roads, dated 14 March 2014, in response to the Resolution of the Council of 11 December 2013 seeking the production of the business case relating to the proposed East-West Link, advising that the release of the business case would be prejudicial to the public interest and requesting that the Council do not insist on the production of the business case, together with the *East-West Link Stage One Executive Summary Short Form Business Case*.

**7 PARLIAMENTARY COMMITTEE APPOINTMENTS** — Mr Davis moved, by leave, That —

- (1) Mr Drum be appointed to the Privileges Committee, the Procedure Committee and the Dispute Resolution Committee;
- (2) Mrs Millar be appointed to the Economic Development, Infrastructure and Outer Suburban Interface Services Committee; and

- (3) Mr O'Brien be appointed to the House Committee and the Rural and Regional Committee.

Question — put and agreed to.

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted on Wednesday, 26 March 2014 —

- (1) Messages;
- (2) Formal business;
- (3) Members' statements (up to 15 Members);
- (4) General Business;
- (5) At 12 noon Questions without notice;
- (6) Answers to Questions on notice;
- (7) General Business (continues);
- (8) At 4.30 pm Statements on reports and papers;
- (9) At 5.30 pm Government Business; and
- (10) Adjournment (up to 20 Members).

Question — put and agreed to.

**9 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 26 March 2014:

- (1) Notice of Motion No. 705 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee relating to breed specific legislation for dogs;
- (2) the notice of motion given this day by Mr Jennings relating to the Government's position on climate change;
- (3) Notice of Motion No. 742 standing in the name of Mr Tee relating to the production of documents order for the business case for the proposed East-West Link;
- (4) Notice of Motion No. 677 standing in the name of Ms Pennicuik relating to the Formula One Australian Grand Prix;
- (5) Notice of Motion No. 714 standing in the name of Ms Hartland relating to the production of documents detailing the Country Fire Authority and Victorian WorkCover Authority actuarial assessment and cost estimates; and
- (6) Order of the Day No. 15, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

**12 ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014** — 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, 20	NOES, 18
Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr Davis	Mr Elasmarr ( <i>Teller</i> )
Mr Drum	Mr Jennings

Mr Elsbury	Ms Hartland ( <i>Teller</i> )
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Mrs Kronberg ( <i>Teller</i> )	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mrs Millar	Ms Pulford
Mr O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question 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.

**13 EDUCATION AND TRAINING REFORM AMENDMENT (REGISTRATION OF EARLY CHILDHOOD TEACHERS AND VICTORIAN INSTITUTE OF TEACHING) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik 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.

**14 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the Council's proposal for a joint sitting on 26 March 2014 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 Hon. Peter Hall.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

**16 MENTAL HEALTH BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

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

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders* —

Mr Guy moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

NOES, 17

Mr Atkinson	Mr Barber
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury ( <i>Teller</i> )	Ms Hartland

Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Mrs Kronberg	Ms Mikakos
Ms Lovell	Ms Pulford
Mrs Millar	Mr Scheffer
Mr O'Brien	Mr Somyurek ( <i>Teller</i> )
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Peulich	Ms Tierney
Mr Ramsay	
Mr Rich-Phillips	
Mr Ronalds ( <i>Teller</i> )	

Question agreed to.

Debate continued on the question, That the Bill be now read a second time.

Question — That the Bill be now read a second time — put and agreed to.

Bill read a second time.

Ms Hartland moved, That the Mental Health Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 6 May 2014, including reference to —

- (a) the appropriateness of mental health advanced statements being non-legally binding and able to be drafted at any time, with a very wide range of possible authorised witnesses;
- (b) the appropriateness of providing treatment to a patient that has the capacity to give informed consent but has not provided informed consent to that treatment; and
- (c) consideration of the appropriateness of children under 16 years receiving electroconvulsive treatment (ECT) or neurosurgery.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem ( <i>Teller</i> )	Mr Guy
Ms Mikakos	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar ( <i>Teller</i> )
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney	Mr Ondarchie
	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 26 MARCH 2014

Bill reported with amendments, 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 with amendments and requesting their agreement.

**17 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 2.44 a.m., adjourned until this day at 9.30 a.m.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## **No. 166 — Wednesday, 26 March 2014**

1 The President took the Chair and read the Prayer.

2 **PARLIAMENTARY COMMITTEE RESIGNATION** — The President announced that he had received a letter from Ms Hennessy resigning from the Independent Broad-based Anti-corruption Commission Committee.

3 **PETITIONS** —

**BORAL EXPANSION OF WESTERN LANDFILL SITE** — Mr Finn presented a Petition bearing 526 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, intervene to reject the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall and ensure any decision by the Melton City Council that approves expansion is overturned.

Ordered to lie on the Table.

\* \* \* \* \*

**MENTAL HEALTH BILL 2014** — Mr Lenders presented a Petition bearing 101 signatures from certain citizens of Victoria requesting that the Government amend the Mental Health Bill 2014 to ban the use of Electroconvulsive Therapy on children, pregnant women and the elderly, completely ban the use of psychosurgery and introduce fines and penalties for the use of these therapies outside the law.

Ordered to lie on the Table.

4 **PAPERS** —

**COMMUNITY VISITORS REPORT** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Annual Report, 2012-13.

Question — put and agreed to.

The Response was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — PERFORMANCE MEASUREMENT AND REVIEW SYSTEM** — Mr O'Brien presented a Report from the Public Accounts and Estimates Committee on the Review of the Performance Measurement and Reporting System (including Appendices).

Ordered to lie on the Table and the Report to be printed.

Mr O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**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 Residential Care Services for Children, March 2014.

Ombudsman's Reports on —

Investigation into deaths and harm in custody, March 2014.

Investigation into Latrobe City Council's failure to reinstate Summerfield Track following a landslip in June 2012, March 2014.

Professional Standards Act 2003 — CPA Australia LTD Professional Standards Scheme, 21 February 2014.

- 5 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Davis moved, by leave, That the Resolution of the Council of 26 November 2013 requiring the Family and Community Development Committee to inquire into and report by 6 August 2014 on social inclusion and Victorians with a disability, be amended so as to now require the Committee to present its report by 3 September 2014.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — BREED SPECIFIC LEGISLATION FOR DOGS** — Mr Lenders moved, That, pursuant to section 33 of the *Parliamentary Committees Act 2003*, the Environment and Natural Resources Committee is required to inquire into, consider and report no later than 30 September 2014 on breed specific legislation for dogs, and in particular —

- (1) investigate the success of breed specific legislation in preventing and reducing dog attacks;
- (2) consider whether there are more cost-effective means of preventing and reducing dog attacks; and
- (3) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report by the due date.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

NOES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Ms Lovell  
 Mrs Millar (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 747, be postponed until later this day.

**9 EAST WEST LINK BUSINESS CASE** — Mr Tee moved, That this House —

- (1) notes that the business case for the proposed East-West Link, ordered by the Resolution of the Council on 11 December 2013 to be tabled in the Council by 19 February 2014, has not been received by the Council;
- (2) notes the letter of 19 February 2014 from the Minister for Roads in response to the Council's Resolution did not include the business case or any commitment to release the business case;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by 6 May 2014 a copy of the business case for the proposed East-West Link.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**11 EAST WEST LINK BUSINESS CASE** — Debate continued on the question, That this House —

- (1) notes that the business case for the proposed East-West Link, ordered by the Resolution of the Council on 11 December 2013 to be tabled in the Council by 19 February 2014, has not been received by the Council;
- (2) notes the letter of 19 February 2014 from the Minister for Roads in response to the Council's Resolution did not include the business case or any commitment to release the business case;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by 6 May 2014 a copy of the business case for the proposed East-West Link.

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

**12 AUSTRALIAN GRAND PRIX** — Ms Pennicuik moved, That this House notes that —

- (1) costs to Victorian taxpayers of staging the Formula One Grand Prix in Albert Park have been mounting since 1996;
- (2) when first elected the Government stated that the taxpayer subsidy was too high and that the event would not be continued unless costs came down;
- (3) the Government has refused to carry out a proper cost/benefit analysis of the event as recommended by the Auditor-General's Office in 2007, or required the event to collect accurate attendance figures despite the huge taxpayer subsidy it receives; and calls on the Government to ensure that the Grand Prix is not staged in Victoria beyond the expiration of the current contract in 2015.

Debate ensued.

Mr Tee moved, as an amendment, That all the words after paragraph (2) be omitted with the view of inserting in their place —

- “(3) the Government has refused to carry out an independent cost/benefit analysis of the event as sought by the Auditor-General's Office in 2007; and calls on the Government to ensure that this is done and the outcome publicly released prior to any consideration of a further extension of the Grand Prix beyond 2015.”.

Debate ensued.

Question — That the amendment moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Ms Broad  
 Ms Darveniza (*Teller*)  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pulford  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 23

Mr Atkinson  
 Mr Barber  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Ms Hartland  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Ms Pennicuik  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)

Amendment negatived.

Question — That this House notes that —

- (1) costs to Victorian taxpayers of staging the Formula One Grand Prix in Albert Park have been mounting since 1996;
  - (2) when first elected the Government stated that the taxpayer subsidy was too high and that the event would not be continued unless costs came down;
  - (3) the Government has refused to carry out a proper cost/benefit analysis of the event as recommended by the Auditor-General's Office in 2007, or required the event to collect accurate attendance figures despite the huge taxpayer subsidy it receives; and
- calls on the Government to ensure that the Grand Prix is not staged in Victoria beyond the expiration of the current contract in 2015 — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch (*Teller*)

Mrs Kronberg  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

Question negatived.

*Business having been interrupted at 4.39 p.m. pursuant to an order of the Council of 25 March 2014 —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 741, be postponed until later this day.
- 15 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014** — Mr O'Donohue (for Mr Guy), pursuant to notice, introduced *A Bill for an Act to amend the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Domestic Building Contracts Act 1995, the Estate Agents Act 1980, the Fire Services Levy Monitor Act 2012, the Funerals Act 2006, the Motor Car Traders Act 1986, the Retirement Villages Act 1986 and the Sex Work Act 1994 and for other purposes.*  
On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 16 CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Corrections Act 1986 to provide for the prohibition and regulation of smoking and the entry, use and possession of tobacco products and tobacco smoking accessories in Victorian prisons, to consequentially amend the Tobacco Act 1987 and for other purposes.*  
On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 746 and 748, be postponed until later this day.
- 18 VEXATIOUS PROCEEDINGS BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to reform and consolidate the law relating to vexatious proceedings in courts and tribunals, to make consequential amendments to various Acts and for other purposes.*  
On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 19 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 751, be postponed until later this day.

**20 JURY DIRECTIONS AMENDMENT BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Jury Directions Act 2013, the Evidence Act 2008 and the Crimes Act 1958 and for other purposes.*

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

**21 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.04 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 167 — Thursday, 27 March 2014

1 The President took the Chair and read the Prayer.

**2 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 26 March 2014 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon. Peter Hall and that Mr Daniel David O'Brien was elected to hold the vacant place in the Legislative Council.

**3 DECLARATION OF ALLEGIANCE** — Mr Danny O'Brien, having been introduced, approached the Table and took and subscribed the Oath required by law.

**4 MENTAL HEALTH BILL 2014** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**5 PAPERS** —

**ELECTORAL MATTERS COMMITTEE — ELECTORAL ADMINISTRATION** — Mr Finn presented a Report from the Electoral Matters Committee on the Future of Victoria's Electoral Administration (including Appendices, Extracts from the Proceedings and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Financial Management Regulations 2004 — Order in Council of 21 March 2014 authorising the Board of Inquiry into the Hazelwood Mine Fire to incur expenses and obligations.

Ombudsman Reports on —

Investigation into advice provided to the office of the Minister for Planning by the Department of Planning and Community Development in relation to land development at Phillip Island, March 2014.

Investigation into allegations of improper procurement of services by the Department of Education and Early Childhood Development, March 2014.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2012-13.

Statutory Rules under the following Acts of Parliament:

Major Crime (Investigative Powers) Act 2004 — No. 7.

Tobacco Act 1987 — No. 8.

**6 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 1 April 2014.

Question — put and agreed to.

**7 PARLIAMENTARY COMMITTEES** — Mr Davis moved, by leave, That —

- (1) Mr Drum be discharged from the Economy and Infrastructure Legislation Committee and the Economy and Infrastructure References Committee; and
- (2) Mr Danny O'Brien be appointed to the Economy and Infrastructure Legislation Committee, the Economy and Infrastructure References Committee and the Environment and Natural Resources Committee.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 741, be postponed until later this day.

**10 INAUGURAL SPEECH** — Mr Davis moved, That contingent upon his appointment by the joint sitting on Wednesday, 26 March 2014, the inaugural speech of Mr Danny O'Brien be now heard.

Question — put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 748 and 751, be postponed until later this day.

**12 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014** — Mr O'Donohue (for Mr Guy) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for two weeks.

**13 CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for two weeks.

**14 VEXATIOUS PROCEEDINGS BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for two weeks.

**15 JURY DIRECTIONS AMENDMENT BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for two weeks.

**16 HEALTH SERVICES AMENDMENT BILL 2014** — 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.

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

**18 PRODUCTION OF DOCUMENTS — PATRICK STEVEDORES RELOCATION FROM WEBB DOCK EAST** — The Clerk laid on the Table a letter from the Minister for Ports in response to the Resolution of the Council of 12 March 2014 seeking the production of documents relating to providing Patrick Stevedores with compensation for relocating from Webb Dock East, advising that the Government is in the process of responding to this Resolution.

**19 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**20 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**21 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014** — Debate continued on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber

Ms Broad (*Teller*)

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik (*Teller*)

Ms Crozier

Mr Dalla-Riva

Mr Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn (*Teller*)

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Victorian Civil and Administrative Tribunal Amendment Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 10 June 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmr	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland	Mr Elsbury
Mr Leane	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem ( <i>Teller</i> )	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien ( <i>Teller</i> )
Mr Scheffer	Mr David O'Brien ( <i>Teller</i> )
Mr Somyurek ( <i>Teller</i> )	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question 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.

## **22 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL**

**2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 to provide for security arrangements for secure welfare services, to prohibit certain actions in relation to children placed in an out of home care service, including a secure welfare service, or in the care of an out of home carer, to make amendments in relation to the searches permitted in youth justice facilities and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned until the next day of meeting.

## **23 JUSTICE LEGISLATION AMENDMENT (DISCOVERY, DISCLOSURE AND OTHER MATTERS) BILL 2014**

— The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Civil Procedure Act 2010 to provide for further case management powers in relation to discovery and disclosure, to consequentially amend other*

*Acts, to amend the Corrections Act 1986, the Corrections Amendment (Breach of Parole) Act 2013, the Crimes Act 1958 and the Serious Sex Offenders (Detention and Supervision) Act 2009 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned until the next day of meeting.

- 24 TRANSPORT (SAFETY SCHEMES COMPLIANCE AND ENFORCEMENT) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide a scheme for the enforcement of transport system safety legislation by re-enacting, with modifications, provisions of the scheme under the Transport (Compliance and Miscellaneous) Act 1983 for the enforcement of transport system safety legislation and adopting and adapting provisions from the Rail Safety National Law and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned until the next day of meeting.

- 25 TRANSPORT LEGISLATION AMENDMENT (FURTHER TAXI REFORM AND OTHER MATTERS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport (Compliance and Miscellaneous) Act 1983, the Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013, the Transport Integration Act 2010, the Heavy Vehicle National Law Application Act 2013, the Ombudsman Act 1973 and the Road Safety Amendment (Operator Onus) Act 2012 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Mr Tee), the debate was adjourned for one week.

- 26 WATER AMENDMENT (WATER TRADING) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989 to meet certain requirements of the water trading rules set out in Chapter 12 of the Basin Plan made under the Water Act 2007 of the Commonwealth in relation to more flexible trading of available and future water allocations and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Rich-Phillips (for Mr Drum), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Pulford), the debate was adjourned until the next day of meeting.

**27 MESSAGES FROM THE ASSEMBLY** — The Acting President read Messages from the Assembly informing the Council that they had agreed to the following Bills without amendment:

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014  
Corrections Amendment (Parole) Bill 2014.

**28 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.49 p.m., adjourned until Tuesday, 1 April 2014.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 165, 166 and 167

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Tuesday, 25 March 2014

### 1 EDUCATION AND TRAINING REFORM AMENDMENT (REGISTRATION OF EARLY CHILDHOOD TEACHERS AND VICTORIAN INSTITUTE OF TEACHING) BILL 2014

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, page 2, lines 11 to 13, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Barber  
Ms Broad (*Teller*)  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar  
Mr O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 27** — put and agreed to.

**Clause 28** — Ms Pennicuik moved —

2. Clause 28, page 25, lines 13 to 18, omit all words and expressions on these lines and insert "Register for the period for which the disciplinary action continues to have effect.".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson  
Ms Broad  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza

Mr Davis  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negatived.

Clause 28 — put and agreed to.

**Clauses 29 to 82** — put and agreed to.

**Clause 83** — Question — That clause 83 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

NOES, 18

Mr Barber (*Teller*)  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 84 to 93** — put and agreed to.

**Bill reported without amendment.**

## 2 MENTAL HEALTH BILL 2014

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Jennings moved —

1. Clause 3, page 7, lines 14 to 18, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Mr Melhem	Mr Guy
Ms Mikakos	Mr Koch
Ms Pulford	Mrs Kronberg
Mr Scheffer	Ms Lovell
Mr Somyurek	Mrs Millar
Mr Tarlamis	Mr O'Brien
Mr Tee	Mr O'Donohue
Ms Tierney ( <i>Teller</i> )	Mr Ondarchie ( <i>Teller</i> )
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Amendment negatived.

Clause 3 — put and agreed to.

**Clause 4** — Mr Davis moved —

1. Clause 4, line 18, after "preference" insert ", gender identity".

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clauses 5 to 10** — put and agreed to.

**Clause 11** — Ms Hartland moved —

2. Clause 11, page 22, line 23, omit "supported." and insert "supported;".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting Deputy President in the Chair.

AYES, 2	NOES, 34
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Ms Broad
	Mrs Coote

Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar (*Teller*)  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negatived.

Clause 11 — put and agreed to.

**Clauses 12 to 70** — put and agreed to.

**Clause 71** — Question — That clause 71 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane

NOES, 2

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)

Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos (*Teller*)  
 Mrs Millar  
 Mr O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 72 to 84** — put and agreed to.

**Clause 85** — Ms Hartland moved —

4. Clause 85, page 84, line 3, after "Order" insert "or for review of his or her treatment under the Order".

Question — That the amendment be agreed to — put and negatived.

Clause 85 — put and agreed to.

**Clauses 86 to 90** — put and agreed to.

**Clause 91** — Question — That clause 91 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue

NOES, 2

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)

Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 92 and 93** — put and agreed to.

**Clause 94** — Question — That clause 94 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 34

Mr Atkinson  
 Ms Broad  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

NOES, 2

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)

Question agreed to.

**Clauses 95 to 98** — put and agreed to.

**Clause 99** — Mr Jennings moved —

2. Clause 99, after line 33 insert—

- "( ) The chief psychiatrist must provide a written report to the Minister before 1 October 2016 in relation to the period starting on 1 July 2014 and ending on 30 June 2016 that—
- (a) states the number of young persons (irrespective of whether the young persons were patients) who received a course of electroconvulsive treatment at a designated mental health service; and
  - (b) provides details of any discomfort or side effects of the electroconvulsive treatment experienced by any young person referred to in paragraph (a) that have been reported to the chief psychiatrist by the young person's psychiatrist or authorised psychiatrist, the Tribunal or the Commissioner.
- ( ) The Minister must cause to be tabled in each House of the Parliament before 31 December 2016—
- (a) a copy of the report; and
  - (b) the Minister's response to the report, including any recommendations."

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Barber  
 Ms Broad  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negatived.

Clause 99 — put and agreed to.

**Clauses 100 to 109** — put and agreed to.

**Clause 110** — Ms Hartland moved —

5. Clause 110, line 30, after "necessary" insert ", reasonable and proportionate".

Question — That the amendment be agreed to — put and negatived.

Clause 110 — put and agreed to.

**Clauses 111 to 144** — put and agreed to.

**Heading to Clause 145** — Mr Davis moved —

2. Heading to clause 145, omit "Annual report of" and substitute "Reports submitted by".

Question — That the amendment be agreed to — put and agreed to.

Heading to Clause 145, as amended — put and agreed to.

**Clause 145** — Mr Davis moved —

3. Clause 145, line 14, omit "year." and insert "year; and".
4. Clause 145, after line 14 insert—
  - ( ) a summary of any amendments made during the financial year to the standards, guidelines or practice directions issued by the chief psychiatrist that may impact on the performance of electroconvulsive treatment on young persons; and
  - ( ) the number of young persons (irrespective of whether the young persons were patients) who received one or more courses of electroconvulsive treatment at a designated mental health service during the financial year."
5. Clause 145, after line 18 insert—
  - ( ) The chief psychiatrist must submit a written report to the Minister before 1 November 2019 in relation to the period starting on 1 July 2014 and ending on 30 June 2019 that—
    - (a) states the number of young persons (irrespective of whether the young persons were patients) who received one or more courses of electroconvulsive treatment at a designated mental health service; and
    - (b) provides details of the clinical outcomes for those young persons resulting from receiving one or more courses of electroconvulsive treatment.
  - ( ) The report referred to in subsection (3) must not include any information that may identify a person.
  - ( ) Sections 140 and 141 apply to any information or document gained by, provided to, or created by, the chief psychiatrist in the course of preparing the report referred to in subsection (3) as if that preparation were a clinical practice audit.
  - ( ) Within 14 sitting days after receiving the report referred to in subsection (3), the Minister must cause a copy of that report be tabled in each House of the Parliament.
  - ( ) In this section—
 

**young person** means a person under the age of 18 years."

Question — That the amendments be agreed to — put and agreed to.

Clause 145, as amended — put and agreed to.

**Clauses 146 to 152** — put and agreed to.

**Clause 153** — Ms Hartland moved —

6. Clause 153, after line 13 insert—
  - (ii) an application by a person subject to a Temporary Treatment Order or a Treatment Order for a review of his or her treatment under the relevant Order;"

Question — That the amendment be agreed to — put and negated.

Clause 153 — put and agreed to.

**Clauses 154 to 217** — put and agreed to.

**Clause 218** — Ms Hartland moved —

7. Clause 218, line 3, omit "A" and insert "Subject to subsection (2), a".

Question — That the amendment be agreed to — put and negated.

Clause 218 — put and agreed to.

**Clause 219** — put and agreed to.

**Clause 220** — Mr Davis moved —

6. Clause 220, line 21, omit "must, as far as practicable" and insert "must".

Question — That the amendment be agreed to — put and agreed to.

Clause 220, as amended — put and agreed to.

**Clauses 221 to 457** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported with amendments.**

**Thursday, 27 March 2014**

**1 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014**

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Question — That clause 9 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19	NOES, 17
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Mrs Coote	Ms Broad ( <i>Teller</i> )
Ms Crozier ( <i>Teller</i> )	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury ( <i>Teller</i> )	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Ms Lovell	Ms Mikakos
Mrs Millar	Ms Pennicuik
Mr Danny O'Brien	Ms Pulford
Mr David O'Brien	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

**Clauses 10 to 13** — put and agreed to.

**Clause 14** — Ms Pennicuik moved —

- Clause 14, page 8, line 32, omit "reached." and insert—  
"reached; and—  
(d) any financial hardship of the party against whom the order would be made; and  
(e) any other matter the Tribunal considers relevant."

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17	NOES, 18
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh ( <i>Teller</i> )	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Guy
Mr Melhem	Mr Kronberg ( <i>Teller</i> )
Ms Mikakos	Ms Lovell
Ms Pennicuik ( <i>Teller</i> )	Mrs Millar
Ms Pulford	Mr Danny O'Brien

Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Rich-Phillips  
Mr Ronalds (*Teller*)

Amendment negatived.

Question — That clause 14 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Peulich  
Mr Rich-Phillips  
Mr Ronalds

NOES, 17

Mr Barber  
Ms Broad  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos (*Teller*)  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

Question agreed to.

**New Clause** — Ms Pennicuik moved —

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

**'A Reasons for final orders**

After section 117(2) of the Principal Act **insert—**

"(2A) The Tribunal must inform an unrepresented party of the party's right under subsection (2) to request written reasons.".

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Ms Broad  
Mrs Coote (*Teller*)  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch

Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

**Clauses 15 to 23** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 168, 169 and 170

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#### No. 168 — Tuesday, 1 April 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, this day, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Corrections Amendment (Parole) Act 2014*
  - Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014*
  - Environment Protection and Sustainability Victoria Amendment Act 2014*
  - Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014*
  - Health Services Amendment Act 2014*
  - Victorian Civil and Administrative Tribunal Amendment Act 2014.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PETITION — BORAL EXPANSION OF WESTERN LANDFILL SITE** — Mr Melhem presented a Petition bearing 4,755 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, intervene to reject the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall and ensure any decision by the Melton City Council that approves expansion is overturned.

Ordered to lie on the Table.

On the motion of Mr Melhem, the petition was ordered to be taken into consideration on the next day of meeting.
- 5 **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:
  - 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:
    - Benalla Planning Scheme — Amendment C10.
    - Boroondara Planning Scheme — Amendment C147.
    - Mornington Peninsula Planning Scheme — Amendment C163 (Part 2).
    - South Gippsland Planning Scheme — Amendment C79.
    - Southern Grampians Planning Scheme — Amendment C31.
    - Stonnington Planning Scheme — Amendment C174.
    - Towong Planning Scheme — Amendment C31.
    - Wangaratta Planning Scheme — Amendments C38 and C46.

Whittlesea Planning Scheme — Amendment C177.  
 A Statutory Rule under the Gas Safety Act 1997 — No. 9.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 9 and 10.

\* \* \* \* \*

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

Electricity Safety Amendment (Bushfire Mitigation) Act 2014 — Whole Act (except section 12(2)) — 1 April 2014 (*Gazette No. S94, 25 March 2014*).

Energy Legislation Amendment (General) Act 2014 — 1 April 2014 (*Gazette No. S94, 25 March 2014*).

Gambling Regulation Amendment (Pre-commitment) Act 2014 — Whole Act (except sections 32, 33 and 34) — 30 March 2014 (*Gazette No. S94, 25 March 2014*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 2 April 2014:

- (1) Order of the Day No. 15, resumption of debate on motion relating to the production of documents order for the business case for the proposed East-West Link;
- (2) Notice of Motion No. 754 standing the name of Ms Tierney relating to rising unemployment;
- (3) Notice of Motion No. 747 standing in the name of Mr Jennings relating to the Government's position on climate change;
- (4) Notice of Motion No. 724 standing in the name of Ms Hartland relating to the Economy and Infrastructure Legislation Committee's Final Report on the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011;
- (5) Notice of Motion No. 714 standing in the name of Ms Hartland relating to the production of documents detailing the Country Fire Authority and Victorian WorkCover Authority actuarial assessment and cost estimates; and
- (6) Order of the Day No. 11, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**9 CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

**10 GAME MANAGEMENT AUTHORITY BILL 2013** — 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, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr D.M. Davis

Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

Question agreed to.

Bill read a second time.

Mr Drum moved, by leave, 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  
Ms Broad  
Mrs Coote  
Ms Crozier (*Teller*)  
Mr Dalla-Riva  
Ms Darveniza  
Mr D.M. Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lovell  
Mr Melhem

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

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

**11 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

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

**12 CARDINIA PLANNING SCHEME AMENDMENTS C72 AND C183** — Mr Guy moved, That pursuant to section 46AH of the *Planning and Environment Act 1987*, Cardinia Planning Scheme Amendments C72 and C183 be ratified.

Debate ensued.

Question — put and agreed to.

**13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Ms Hartland moved, That the Children, Youth and Families Amendment (Security Measures) Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 8 May 2014.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mrs Coote
Ms Broad	Ms Crozier
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr Davis
Mr Elasmarr	Mr Drum
Mr Jennings	Mr Elsbury
Ms Hartland	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem ( <i>Teller</i> )	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien ( <i>Teller</i> )
Mr Scheffer	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie

Mr Tee  
Ms Tierney (*Teller*)

Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds (*Teller*)

Question negated.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders —*

**14 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.44 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 169 — Wednesday, 2 April 2014

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**CHILDREN'S COURT OF VICTORIA ANNUAL REPORT 2012-13** — Mr O'Donohue presented, by command of the Governor, the Report of the Children's Court for the year 2012-13.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT 2013** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report 2013.

Question — put and agreed to.

The Report was presented by Ms Lovell and ordered to lie on the Table.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

4 **EAST-WEST LINK BUSINESS CASE** — Debate resumed on the question, That this House —

- (1) notes that the business case for the proposed East-West Link, ordered by the Resolution of the Council on 11 December 2013 to be tabled in the Council by 19 February 2014, has not been received by the Council;
- (2) notes the letter of 19 February 2014 from the Minister for Roads in response to the Council's Resolution did not include the business case or any commitment to release the business case;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*;
- (4) affirms the need to protect the high standing of Parliament and to ensure that the Council may properly discharge its duties and responsibilities; and
- (5) requires the Leader of the Government to table by 6 May 2014 a copy of the business case for the proposed East-West Link.

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

5 **ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — UNEMPLOYMENT IN VICTORIA** — Ms Tierney moved, That this House —

- (1) notes that unemployment continues to grow, the current rate being the highest for more than a decade;

- (2) expresses concern at the alarming figures for youth unemployment, identified in the Brotherhood of St Laurence *Australian Youth Unemployment 2014: Snapshot*, in particular the increases across the State of 29 to 48 per cent;
- (3) recognises that the impact of the Ford, Toyota, Holden and Alcoa closures is yet to be realised in the unemployment figures; and
- (4) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 19 August 2014 on the crisis confronting Victorian families through unemployment, with reference to —
  - (a) effective measures to address youth unemployment in regional areas and metropolitan Melbourne;
  - (b) the impact that cuts to TAFE and the education sector may have had on providing workers opportunity to reintegrate into the workforce;
  - (c) the creation of full time employment versus other precarious forms of employment;
  - (d) the reviews of the Victorian and South Australian economies that were due to be reported to the Federal Government in February 2014; and
  - (e) measures to reverse the current unemployment trend.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — UNEMPLOYMENT IN VICTORIA** — Debate continued on the question, That this House —

- (1) notes that unemployment continues to grow, the current rate being the highest for more than a decade;
- (2) expresses concern at the alarming figures for youth unemployment, identified in the Brotherhood of St Laurence *Australian Youth Unemployment 2014: Snapshot*, in particular the increases across the State of 29 to 48 per cent;
- (3) recognises that the impact of the Ford, Toyota, Holden and Alcoa closures is yet to be realised in the unemployment figures; and
- (4) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 19 August 2014 on the crisis confronting Victorian families through unemployment, with reference to —
  - (a) effective measures to address youth unemployment in regional areas and metropolitan Melbourne;
  - (b) the impact that cuts to TAFE and the education sector may have had on providing workers opportunity to reintegrate into the workforce;
  - (c) the creation of full time employment versus other precarious forms of employment;
  - (d) the reviews of the Victorian and South Australian economies that were due to be reported to the Federal Government in February 2014; and
  - (e) measures to reverse the current unemployment trend.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 18

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Mr Melhem

NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum (*Teller*)  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg

Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford ( <i>Teller</i> )	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 747, be postponed until later this day.

**9 ACCIDENT COMPENSATION LEGISLATION (FAIR PROTECTION FOR FIREFIGHTERS) BILL 2011 REPORT** — Ms Hartland moved, That this House —

- (1) notes the Final Report of the Economy and Infrastructure Legislation Committee on the Inquiry into the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 tabled in this House on 12 June 2013;
- (2) notes that the Committee was asked to report on measures aimed at addressing any constitutional impediment to the Bill's introduction into the Legislative Council;
- (3) notes the Committee's finding that there are differing views as to how section 62(1) of the *Constitution Act 1975* should be interpreted;
- (4) notes the long-standing practice of the Legislative Council, based on a convention of the House, is for the President to order the withdrawal of a Bill if he or she believes that the Bill may infringe section 62 of the *Constitution Act 1975*, but that the Committee does not support a continuation of this practice; and
- (5) endorses the Committee's recommendation that "in future when Bills that potentially infringe section 62 of the *Constitution Act 1975* are introduced into the Legislative Council, the President should report his concerns to the House and the House should then determine whether to allow the Bill to proceed".

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Ms Darveniza	Ms Crozier
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland	Mr Elsbury
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik ( <i>Teller</i> )	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr David O'Brien
Mr Tarlamis ( <i>Teller</i> )	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

**10 PRODUCTION OF DOCUMENTS — FIREFIGHTERS ACTUARIAL ASSESSMENTS —**

Ms Hartland moved, That this House notes —

- (1) the resolution of the Council of 30 October 2013 requiring the Leader of the Government to table in the Legislative Council by 26 November 2013 a copy of documents detailing the Country Fire Authority and the Victorian WorkCover Authority actuarial assessment and cost estimates to provide compensation for Victoria's firefighters injured or deceased as a result of exposure to carcinogens on the job;
  - (2) the letter of the Assistant Treasurer, dated 22 November 2013, stating that the Government is not able to respond within the time period requested by the Council and would endeavour to respond by 10 December 2013; and
  - (3) that, as at 12 December 2013, the documents sought have not been provided;
- and calls on the Leader of the Government or the Assistant Treasurer to explain why the documents have not been tabled and when they will be produced.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Crozier.*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 751, be postponed until later this day.

**13 FILMING APPROVAL BILL 2014** — Mr O'Donohue (for Mr Rich-Phillips), pursuant to notice, introduced *A Bill for an Act to establish film friendly principles for the approval of film permits by public agencies, to provide for the making of film friendly guidelines and to make consequential amendments to other Acts and for other purposes.*

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

**14 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Gambling Regulation Act 2003 and the Liquor Control Reform Act 1998 and to make consequential amendments to other Acts and for other purposes.*

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

**15 ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014** — Mr O'Donohue (for Mr Drum), pursuant to notice, introduced *A Bill for an Act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998 and the Gas Industry Act 2001 and for other purposes.*

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

**16 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.51 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

**No. 170 — Thursday, 3 April 2014**

1 The President took the Chair and read the Prayer.

2 **SALE OF LAND AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sale of Land Act 1962 in relation to*

statements made under section 32 of that Act, to make related and consequential amendments to the Owners Corporations Act 2006 and to consequentially amend other Acts and for other purposes and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

### 3 PAPERS —

**AUSTRALIAN CATHOLIC UNIVERSITY REPORT, 2013 AND UNIVERSITY OF DIVINITY REPORT, 2013** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the Australian Catholic University Report, 2013 and the University of Divinity Report, 2013.

Question — put and agreed to.

The reports were presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

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

Adult Multicultural Education Services — Report, 2013.

Auditor-General's Report on Access to Education for Rural Students, April 2014.

Bendigo TAFE — Report, 2013.

Box Hill Institute of TAFE — Report, 2013.

Central Gippsland Institute of TAFE — Report, 2013.

Centre for Adult Education — Report, 2013.

Chisholm Institute of TAFE — Report, 2013.

Deakin University — Report, 2013.

Driver Education Centre of Australia Ltd — Report, 2013.

Gordon Institute of TAFE — Report, 2013.

Goulburn Ovens Institute of TAFE — Report, 2013.

Holmesglen Institute of TAFE — Report, 2013.

Kangan Batman Institute of TAFE — Report, 2013.

La Trobe University — Report, 2013.

Monash University — Report, 2013.

RMIT University — Report, 2013.

South West Institute of TAFE — Report, 2013.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Notice No. 2/2014 pursuant to the Wildlife Act 1975.

Sunraysia Institute of TAFE — Report, 2013.

Swinburne University of Technology — Report, 2013.

University of Ballarat — Report, 2013.

University of Melbourne — Report, 2013.

Victoria University — Report, 2013.

William Angliss Institute of TAFE — Report, 2013.

Wodonga Institute of TAFE — Report, 2013.

**4 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 6 May 2014.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 763, be postponed until later this day.

**7 FILMING APPROVAL BILL 2014** — Mr O'Donohue (for Mr Rich-Phillips) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was, by leave, incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Somyurek, the debate was adjourned for two weeks.

- 8 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was, by leave, incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Pulford), the debate was adjourned for two weeks.

- 9 ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014** — Mr O'Donohue (for Mr Drum) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was, by leave, incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Somyurek, the debate was adjourned for two weeks.

- 10 SALE OF LAND AMENDMENT BILL 2014** — Mr O'Donohue (for Mr Guy) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned for one week.

- 11 JUSTICE LEGISLATION AMENDMENT (DISCOVERY, DISCLOSURE AND OTHER MATTERS) BILL 2014** — 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.

- 12 WATER AMENDMENT (WATER TRADING) BILL 2014** — 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

- 14 TRANSPORT (SAFETY SCHEMES COMPLIANCE AND ENFORCEMENT) BILL 2014** — 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.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 15 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 16 CARBON TAX** — Mr Davis moved, That this House —

- (1) notes the resolution of this House of 29 October 2013 calling on the Federal Opposition, other non-government parties and independents in the Federal Parliament to support the early abolition of the Carbon Tax, noting the Federal Coalition Government's mandate to repeal the Carbon Tax;
- (2) further notes the Federal Labor Opposition and Federal Greens Party continue to frustrate the Federal Coalition Government's clear mandate to repeal the Carbon Tax;
- (3) expresses its concern at the ongoing adverse impact of the Carbon Tax on Victorian families, individuals, senior citizens and businesses, particularly the additional costs added to —
  - (a) manufacturing and manufactured exports; and
  - (b) public and private health services; and
- (4) confirms its support for the immediate repeal of the Carbon Tax legislation and calls on all Victorian political parties to recognise the clear view of the Australian people expressed at the last federal election and advocate for the immediate repeal of the Carbon Tax.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20	NOES, 18
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Mrs Coote	Ms Broad
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva	Mr Eideh
Mr Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury ( <i>Teller</i> )	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Mrs Kronberg	Ms Mikakos
Ms Lovell	Ms Pennicuik
Mrs Millar	Ms Pulford
Mr Danny O'Brien	Mr Scheffer
Mr David O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Peulich	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

**17 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2013 —**

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.

**18 HONORARY JUSTICES BILL 2014 —** The President read a Message from the Assembly presenting *A Bill for an Act to provide for the appointment of justices of the peace and bail justices, together to be known as honorary justices, the use of titles by current and retired honorary justices and other matters relating to honorary justices and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 19 STATE TAXATION LEGISLATION AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend various Acts in relation to State Taxation and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

- 20 VEXATIOUS PROCEEDINGS BILL 2014 (No. 2)** — The President read a Message from the Assembly presenting *A Bill for an Act to reform and consolidate the law relating to vexatious proceedings in courts and tribunals, to make consequential amendments to various Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Tierney, the debate was adjourned for one week.

- 21 WITNESS PROTECTION AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Witness Protection Act 1991 to improve the operation of the Victorian witness protection program and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 22 FENCES AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Fences Act 1968 to provide a procedure for the sharing of costs between neighbours for dividing fences and a mechanism for the resolution of disputes about dividing fences, to make amendments about other matters in relation to dividing fences, and to amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time.

Mr Rich-Phillips moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Pursuant to Sessional Orders, Mr Rich-Phillips made a statement that the Bill is the same in substance as the Fences Amendment Bill 2014 previously debated and read a second time by the Council in this Session.

The President being of the same opinion —

Question — That the Bill be now read a second time — put and agreed to.

Question — That the Bill be now read a third time and do pass — put and agreed to.

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

**23 ORDERS OF THE DAY DISCHARGED** — Mr Rich-Phillips moved, by leave, That the following Orders of the Day, Government Business, be discharged and that the respective Bills be withdrawn:

Fences Amendment Bill 2014; and

Vexatious Proceedings Bill 2014.

Question — put and agreed to.

**24 ADJOURNMENT** — Mr Drum moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.08 p.m., adjourned until Tuesday, 6 May 2014.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 168, 169 and 170

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**Tuesday, 1 April 2014**

**1 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2014**

**Clause 1** — Debate commenced.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the Acting President reported progress.*

**Thursday, 3 April 2014**

**1 CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2014**

*Progress having been reported on 1 April 2014 —*

**Clauses 1 to 14** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 171, 172 and 173

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#### No. 171 — Tuesday, 6 May 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 8 April 2014 —
    - Game Management Authority Act 2014*
    - Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014*
    - Mental Health Act 2014*
    - Transport (Safety Schemes Compliance and Enforcement) Act 2014*
    - Water Amendment (Water Trading) Act 2014*
  - On 15 April 2014 —
    - Children, Youth and Families Amendment (Security Measures) Act 2014*
    - Fences Amendment Act 2014.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr Dalla-Riva presented Alert Digest No. 5 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Advance TAFE — Report, 2013.

Anti-Cancer Council of Victoria — Report, 2013.

Coroners Court of Victoria — Report, 2012-13.

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 November 2013 giving approval to the granting of a lease at Fawkner Park.

Minister's Order of 24 March 2014 giving approval to the granting of a licence at Toolangi Forest Reserve.

Minister's Order of 28 April 2014 giving approval to the granting of a lease at Rosebud Park and Recreation Reserve.

Environment Protection Act 1970 — Order in Council of 29 April 2014 for the Waste Management Policy (Storage of Waste Tyres).

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 9 and 159/2013.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — April 2014 and Summary of Variations notified between 7 March 2014 and 5 May 2014.

National Environment Protection Council — Report, 2012-13.

Northern Melbourne Institute of Technical and Further Education — Minister's report of failure to submit 2013 report to the Minister within the prescribed period and the reasons therefor.

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

Alpine Planning Scheme — Amendment C23.

Alpine Resorts Planning Scheme — Amendment C22.

Bass Coast Planning Scheme — Amendment C124.

Campaspe Planning Scheme — Amendment C86.

East Gippsland Planning Scheme — Amendment C101.

Glen Eira Planning Scheme — Amendments C116 and C119.

Greater Bendigo Planning Scheme — Amendment C197.

Greater Geelong Planning Scheme — Amendments C289 and C295.

Moonee Valley Planning Scheme — Amendment C117.

South Gippsland Planning Scheme — Amendment C52 (Part 1).

Stonnington Planning Scheme — Amendment C168.

Victoria Planning Provisions — Amendments VC108, VC111 and VC115.

Wellington Planning Scheme — Amendment C74.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 19.

Corrections Act 1986 — Nos. 12 and 20.

County Court Act 1958 — No. 14.

Drugs, Poisons and Controlled Substances Act 1981 — No. 15.

Local Government Act 1989 — No. 17.

Magistrates' Court Act 1989 — Nos. 11, 18 and 24.

National Gas (Victoria) Act 2008 — No. 22.

Road Safety Act 1986 — No. 23.

Sentencing Act 1991 — No. 16.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 21.

Supreme Court Act 1986 and Administration and Probate Act 1958 — No. 10.

Victims of Crime Assistance Act 1996 — No. 13.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 11, 13, 14, 16 and 19 to 24.

Legislative Instruments and related documents under section 16B in respect of —

Greyhound Racing Victoria — Rule Amendments made under the Racing Act 1958.

Ministerial Direction under section 3.8A.2 of the Gambling Regulation Act 2003.

Transport Integration Act 2010 — Public Transport Performance Report for the period 1 July to 31 December 2013, pursuant to section 79W of the Act.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 1/2014, 10 February 2014.

\* \* \* \* \*

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

Corrections Legislation Amendment Act 2014 — Sections, 6, 7, 9, 15, 16, 21, Part 3 and Part 4 (except sections 26 and 35) — 8 April 2014; Sections 3, 8, 18, 19, 26 and 35 — 1 May 2014; Section 20 — 1 July 2014 (*Gazette No. S112, 8 April 2014*).

Remaining Provisions — 1 July 2014 (*Gazette No. S136, 29 April 2014*).

Crimes Amendment (Grooming) Act 2014 — 9 April 2014 (*Gazette No. S112, 8 April 2014*).

Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Act 2014 — 16 April 2014 (*Gazette No. S122, 15 April 2014*).

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Part 2 — 16 April 2014 (*Gazette No. S122, 15 April 2014*).

Health Services Amendment Act 2014 — 15 April 2014 (*Gazette No. S122, 15 April 2014*).

Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Act 2014 — Part 2 — 12 May 2014 (*Gazette No. S136, 29 April 2014*).

Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013 — Part 5 and the Remaining Provisions of Part 7 (except section 59) — 19 April 2014 (*Gazette No. S122, 15 April 2014*).

Small Business Commissioner Amendment Act 2014 — 1 May 2014 (*Gazette No. S136, 29 April 2014*).

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION SPECIAL REPORT —**

Pursuant to section 162(12) of the Independent Broad-based Anti-corruption Commission Act 2011, the Clerk laid on the Table a copy of the Special report following IBAC's first year of being fully operational.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — GOVERNMENT RESPONSE TO REPORT ON THE 2013-14 BUDGET ESTIMATES — PART TWO —**

Pursuant to section 36(1) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2013-14 Budget Estimates — Part Two.

**5 BUSINESS OF THE COUNCIL —** Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 7 May 2014:

- (1) the notice of motion given this day by Mr Jennings referring a matter to the Legal and Social Issues References Committee relating to the provision of hospital beds;
- (2) the notice of motion given this day by Ms Pulford relating to the National Centre for Farmer Health;
- (3) Order of the Day No. 9, resumption of debate on motion relating to the failure to table documents detailing the Country Fire Authority and Victorian WorkCover Authority actuarial assessment and cost estimates;
- (4) Order of the Day No. 10, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery; and
- (5) Notice of Motion No. 737 standing in the name of Ms Pennicuik calling for the implementation of policies against accepting donations from property developers.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED —** Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**8 ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014 —** 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 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 transmitted to the Assembly with a Message requesting their agreement.

**9 BUDGET PAPERS, 2014-15** — Mr Drum moved, by leave, That there be laid before this House a copy of the following—

- (1) In accordance with section 27E of the *Financial Management Act 1994* —
  - (a) Strategy and Outlook (Budget Paper No. 2);
  - (b) Service Delivery (Budget Paper No. 3); and
  - (c) Statement of Finances (Budget Paper No. 5);
- (2) Treasurer's Speech (Budget Paper No. 1);
- (3) State Capital Program (Budget Paper No. 4);
- (4) 2014-15 Budget Overview;
- (5) Regional and Rural Victoria (Budget Information Paper No. 1); and
- (6) Infrastructure Investment (Budget Information Paper No. 2).

Question — put and agreed to.

The papers were presented by Mr Drum and ordered to lie on the Table.

Mr Drum moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

**11 HONORARY JUSTICES BILL 2014** — 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.

**12 TRANSPORT LEGISLATION AMENDMENT (FURTHER TAXI REFORM AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until appropriate consultation with stakeholders has occurred to address serious numerous concerns in the Bill, including —

- (1) the impact of the proposed Price Notification Scheme on taxi operators in co-operatively run Network Service Providers in regional Victoria;
- (2) the determination of taxi zones;
- (3) wheelchair-accessible taxis;
- (4) possible fare increases; and
- (5) consumer protections for regional Victorians, particularly in relation to the proposed Price Notification Scheme."

Debate ensued.

Question — That the reasoned amendment moved by Mr Tee be agreed to — put.

The Council divided — The Acting President in the Chair.

AYES, 18

NOES, 19

Mr Barber  
 Ms Broad  
 Ms Darveniza  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy

Mr Leane	Mr Koch
Mr Lenders	Mrs Kronberg
Mr Melhem	Ms Lovell
Ms Mikakos ( <i>Teller</i> )	Mrs Millar ( <i>Teller</i> )
Ms Pennicuik	Mr Danny O'Brien
Ms Pulford	Mr David O'Brien
Mr Scheffer	Mr O'Donohue
Mr Somyurek	Mr Ondarchie ( <i>Teller</i> )
Mr Tarlamis	Mrs Peulich
Mr Tee	Mr Ramsay
Ms Tierney	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Question — That the Bill be now read a second time — 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.

**13 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

**14 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.14 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 172 — Wednesday, 7 May 2014

1 The President took the Chair and read the Prayer.

2 **PETITION — EMERGENCY SERVICES FUNDING** — Ms Tierney presented a Petition bearing 388 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to improve the funding of emergency services and to provide better pay and conditions to emergency services personnel.

Ordered to lie on the Table.

3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2012-13 FINANCIAL AND PERFORMANCE OUTCOMES** — Mr Ondarchie presented a Report from the Public Accounts and Estimates Committee on the 2012-13 Financial and Performance Outcomes (including Appendices).

Ordered to lie on the Table and the Report to be printed.

Mr Ondarchie moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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

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

- Glenelg Planning Scheme — Amendment C73.
- Golden Plains Planning Scheme — Amendment C66.
- Kingston Planning Scheme — Amendment C142.
- Latrobe Planning Scheme — Amendment C66.
- Melbourne Planning Scheme — Amendment C231.
- South Gippsland Planning Scheme — Amendment C71.
- Surf Coast Planning Scheme — Amendment C90.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**5 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — HOSPITAL BED NUMBERS** — Mr Jennings moved, That this House —

- (1) notes —
  - (a) the Australian Institute of Health and Welfare's data made public on 30 April 2014 showing that only 43 new hospital beds have been added to Victorian hospitals since the Government was elected;
  - (b) that the Minister for Health has been unwilling and/or unable to identify a single new hospital bed created this term;
  - (c) the Minister for Health's failure to acknowledge the impacts of the Federal Government's 2013 Mid-Year Economic and Fiscal Outlook hospital funding cuts in Legislative Council Question Time; and
- (2) requires the Legal and Social Issues References Committee to inquire into, consider and report, no later than 30 June 2014 on the progress of the Coalition Government's 2010 election commitment to deliver 800 new hospital beds by the end of November 2014 and requires the Committee to call as witnesses —
  - (a) the Secretary of the Department of Health;
  - (b) the CEOs of Bendigo Health, Eastern Health, The Royal Children's Hospital, Peninsula Health, Melbourne Health and Monash Health; and
  - (c) any other CEOs of Health Networks the Committee thinks appropriate.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — HOSPITAL BED NUMBERS** — Debate continued on the question, That this House —

- (1) notes —
  - (a) the Australian Institute of Health and Welfare's data made public on 30 April 2014 showing that only 43 new hospital beds have been added to Victorian hospitals since the Government was elected;
  - (b) that the Minister for Health has been unwilling and/or unable to identify a single new hospital bed created this term;
  - (c) the Minister for Health's failure to acknowledge the impacts of the Federal Government's 2013 Mid-Year Economic and Fiscal Outlook hospital funding cuts in Legislative Council Question Time; and
- (2) requires the Legal and Social Issues References Committee to inquire into, consider and report, no later than 30 June 2014 on the progress of the Coalition Government's 2010 election commitment to deliver 800 new hospital beds by the end of November 2014 and requires the Committee to call as witnesses —
  - (a) the Secretary of the Department of Health;
  - (b) the CEOs of Bendigo Health, Eastern Health, The Royal Children's Hospital, Peninsula Health, Melbourne Health and Monash Health; and

(c) any other CEOs of Health Networks the Committee thinks appropriate.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Ms Crozier
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr Davis
Mr Elasmarr	Mr Drum
Mr Jennings	Mr Elsbury
Ms Hartland	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik ( <i>Teller</i> )	Mrs Millar ( <i>Teller</i> )
Ms Pulford	Mr Danny O'Brien ( <i>Teller</i> )
Mr Scheffer	Mr David O'Brien
Mr Somyurek ( <i>Teller</i> )	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

- 8 NATIONAL CENTRE FOR FARMER HEALTH** — Ms Pulford moved, That this House calls on the Victorian Government to support the National Centre for Farmer Health noting that —
- (1) the Victorian Coalition Government ceased funding the Centre in July 2012;
  - (2) the Centre will close as a direct result of this cessation of funding unless an urgent lifeline is provided;
  - (3) 60,000 to 70,000 Victorians derive their primary source of income from a farm and that there are approximately 35,000 farms in Victoria;
  - (4) Victorian farmers contribute over \$6.8 billion in gross value agricultural production to the economy;
  - (5) the health of any workforce contributes to its productivity; and
  - (6) that Victoria's acclaimed, award winning National Centre for Farmer Health can be saved with funding of \$1 million a year if the Liberal National Government was willing to do so.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Ms Crozier
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr Davis
Mr Elasmarr	Mr Drum
Mr Jennings	Mr Elsbury
Ms Hartland ( <i>Teller</i> )	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem	Mrs Kronberg

Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien ( <i>Teller</i> )
Mr Somyurek	Mr O'Donohue
Mr Tarlamis ( <i>Teller</i> )	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

## 9 PRODUCTION OF DOCUMENTS — FIREFIGHTERS ACTUARIAL ASSESSMENTS —

Debate resumed on the question, That this House notes —

- (1) the resolution of the Council of 30 October 2013 requiring the Leader of the Government to table in the Legislative Council by 26 November 2013 a copy of documents detailing the Country Fire Authority and the Victorian WorkCover Authority actuarial assessment and cost estimates to provide compensation for Victoria's firefighters injured or deceased as a result of exposure to carcinogens on the job;
- (2) the letter of the Assistant Treasurer, dated 22 November 2013, stating that the Government is not able to respond within the time period requested by the Council and would endeavour to respond by 10 December 2013; and
- (3) that, as at 12 December 2013, the documents sought have not been provided; and calls on the Leader of the Government or the Assistant Treasurer to explain why the documents have not been tabled and when they will be produced.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Ms Crozier
Ms Darveniza ( <i>Teller</i> )	Mr Dalla-Riva
Mr Eideh	Mr Davis
Mr Elasmr	Mr Drum
Mr Jennings	Mr Elsbury ( <i>Teller</i> )
Ms Hartland	Mr Finn ( <i>Teller</i> )
Mr Leane ( <i>Teller</i> )	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

## 10 LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE — HEATWAVE PLANNING, RESPONSE AND RECOVERY — Debate resumed on the question, That this House —

- (1) notes that from 14 to 17 January 2014, Victoria experienced an unprecedented heatwave with the hottest four day period on record for both maximum and daily mean temperatures;

- (2) acknowledges with great sadness, the loss of life due to this heatwave that engulfed Victoria and offers our sincere condolences to those families;
- (3) highly commends the hard work and dedication of staff and volunteers of emergency services, community based health services, local governments and community organisations who responded to the heatwave emergency in extremely difficult conditions;
- (4) recognises that 2013 was Australia's hottest year on record and that climate change is increasing and will continue to increase the frequency, duration and intensity of heatwaves in Victoria;
- (5) refers to the Legal and Social Issues References Committee for inquiry, consideration and report by 19 August 2014 the heatwave planning, response and recovery with reference to —
  - (a) the adequacy of the Heatwave Plan for Victoria to address the threat to health and life posed by the January 2014 heatwave;
  - (b) the adequacy of emergency services, local government and other key community agencies' heatwave action plans and how effectively they were able to be implemented;
  - (c) how effectively Victorians who are most vulnerable to heatwaves, were protected and supported to manage the heat health threat; and
  - (d) opportunities for improvement, including considering a whole of government integrated approach, similar to that taken for bushfire emergencies.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Ms Crozier
Ms Darveniza	Mr Dalla-Riva
Mr Eideh	Mr Davis
Mr Elasmarr	Mr Drum
Mr Jennings	Mr Elsbury
Ms Hartland	Mr Finn
Mr Leane	Mr Guy
Mr Lenders	Mr Koch
Mr Melhem ( <i>Teller</i> )	Mrs Kronberg ( <i>Teller</i> )
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar ( <i>Teller</i> )
Ms Pulford	Mr Danny O'Brien
Mr Scheffer ( <i>Teller</i> )	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 766, be postponed until the next day of meeting.
- 13 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2014** — Mr Guy, pursuant to notice, introduced a *Bill for an Act to amend the Local Government (Brimbank*

*City Council) Act 2009 in respect of the holding of the next general election of Councillors for the Brimbank City Council and for other purposes.*

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was, by leave, incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Tee, the debate was adjourned for two weeks.

**14 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.45 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
Clerk of the Legislative Council

## No. 173 — Thursday, 8 May 2014

1 The President took the Chair and read the Prayer.

2 **CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958, the Working with Children Act 2005, the Children, Youth and Families Act 2005 and the Serious Sex Offenders (Detention and Supervision) Act 2009 in relation to the sexual abuse of children and for other purposes* and requesting the agreement of the Council.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 **PETITION — BORAL EXPANSION OF WESTERN LANDFILL SITE** — Mr Melhem presented a Petition bearing 3,412 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, intervene to reject the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall and ensure any decision by the Melton City Council that approves expansion is overturned.

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:

Gambling Regulation Act 2003 — Amendment to the Monitoring Licence pursuant to section 3.4.59C of the Act.

Parliamentary Committees Act 2003 —

Government response to the Education and Training Committee's Report on the Extent, Benefits and Potential of Music Education in Victorian Schools.

Government response to the Family and Community Development Committee's Report on Handling of Child Abuse by Religious and Other Non-Government Organisations.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 12.

5 **SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 27 May 2014.

Question — put and agreed to.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**8 STATE TAXATION LEGISLATION AMENDMENT BILL 2014** — 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 committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**10 STATE TAXATION LEGISLATION AMENDMENT BILL 2014** — 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.

**11 SALE OF LAND AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Mr Barber moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and redrafted to support the right to farm by —

- (1) reinstating the warning on commercial farming activity; and
- (2) making new provisions for section 32 statements to detail nearby farming activities to ensure potential owners of rural property acknowledge and accept they exist prior to purchasing.”.

Debate ensued.

Question — That the reasoned amendment moved by Mr Barber be agreed to — put.

The Council divided — The Acting President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mrs Coote
Ms Broad	Ms Crozier
Mr Eideh ( <i>Teller</i> )	Mr Dalla-Riva
Mr Elasmar	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland ( <i>Teller</i> )	Mr Elsbury ( <i>Teller</i> )
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O’Brien
Mr Somyurek	Mr David O’Brien
Mr Tarlamis	Mr O’Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Amendment negated.

Question — That the Bill be now read a second time — put and agreed to.

Mr Barber moved, That the Sale of Land Amendment Bill 2014 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report by 5 August 2014 on the impact of clause 4 on the right to farm.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
 Ms Broad  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Ronalds

Question negatived.

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

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

- 12 FILMING APPROVAL BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

- 13 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Elsbury, the debate was adjourned for one week.

- 14 CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014** — Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 15 JUSTICE LEGISLATION AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Country Fire Authority Act 1958, the Emergency Management Act 1986, the Emergency Management Act 2013 and the Emergency Services Telecommunications Authority Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 16 VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend Victorian Acts as a consequence of the enactment of the Victoria Police Act 2013, to amend that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 17 CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 18 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.20 p.m., adjourned until Tuesday, 27 May 2014.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 171, 172 and 173

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Tuesday, 6 May 2014

**1 ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014**

Clauses 1 to 13 — put and agreed to.

Bill reported without amendment.

**2 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014**

Clauses 1 to 52 — put and agreed to.

Clause 53 — Question — That clause 53 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Ms Broad

Ms Hartland (*Teller*)

Mrs Coote

Ms Pennicuik

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lovell

Mr Melhem

Ms Mikakos (*Teller*)

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien (*Teller*)

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis  
 Mr Tee  
 Ms Tierney  
 Question agreed to.

**Clauses 54 to 64** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 8 May 2014

### 1 STATE TAXATION LEGISLATION AMENDMENT BILL 2014

**Clause 1** — Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 1, lines 5 to 8, omit paragraph (a).

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 14	NOES, 23
Ms Broad	Mr Atkinson
Mr Eideh	Mr Barber ( <i>Teller</i> )
Mr Elasmarr	Mrs Coote
Mr Jennings	Ms Crozier
Mr Leane	Mr Dalla-Riva
Mr Lenders	Mr Davis
Mr Melhem	Mr Drum
Ms Mikakos	Mr Elsbury ( <i>Teller</i> )
Ms Pulford ( <i>Teller</i> )	Mr Finn
Mr Scheffer	Mr Guy
Mr Somyurek ( <i>Teller</i> )	Ms Hartland
Mr Tarlamis	Mr Koch
Mr Tee	Mrs Kronberg
Ms Tierney	Ms Lovell
	Mrs Millar
	Mr Danny O'Brien
	Mr David O'Brien
	Mr O'Donohue
	Ms Pennicuik
	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Mr Lenders moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

2. Clause 1, page 2, lines 25 to 31, omit paragraph (c).

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mrs Coote
Ms Broad ( <i>Teller</i> )	Ms Crozier

Mr Eideh	Mr Dalla-Riva
Mr Elasmarr	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland ( <i>Teller</i> )	Mr Elsbury
Mr Leane	Mr Finn ( <i>Teller</i> )
Mr Lenders	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich ( <i>Teller</i> )
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Clause 1 — put and agreed to.

*Committee interrupted at 12.00 noon pursuant to Standing Orders.*

**Clauses 2 to 7** — put and agreed to.

**Clause 8** — Mr Barber moved —

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

1. Clause 8, line 11, omit “**and the Melbourne Zoo**” and insert “, **the Melbourne Zoo and the Abbotsford Convent**”.

Question — That it be a suggestion to the Assembly that they make the amendment in the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 17	NOES, 20
Mr Barber	Mr Atkinson
Ms Broad	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Mr Melhem	Mr Guy
Ms Mikakos	Mr Koch
Ms Pennicuik	Mrs Kronberg ( <i>Teller</i> )
Ms Pulford	Ms Lovell
Mr Scheffer	Mrs Millar
Mr Somyurek	Mr Danny O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 34** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 174, 175 and 176

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#### No. 174 — Tuesday, 27 May 2014

- 1 The President took the Chair and read the Prayer.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

9 May 2014

The Hon. Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that the Hon Candy Broad MLC called on me today and handed me her letter of resignation as Member of the Legislative Council for Northern Victoria, effective from today. It seems that section 27A of the *Constitution Act 1975* requires a joint sitting of the Council and Assembly to fill this vacancy.

I have advised the Premier, the Speaker and the Leader of the Opposition in like terms.

I enclose a copy of Ms Broad's letter for your records.

Yours sincerely,

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

9 May 2014

His Excellency the Honourable Alex Chernov, AC, QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I write to formally advise you that as of 9 May 2014, I resign as the Member for Northern Victoria in the Legislative Council of the Parliament of Victoria.

I understand that under section 30 of the *Constitution Act 1975*, my resignation will take effect immediately.

It has been an honour and a privilege to represent the people of Melbourne North Province and the Northern Victoria Region in the Victorian Parliament for the past fourteen years.

It has also been an honour to serve as a member of the Executive Council for seven years variously as Minister for Energy and Resources, Minister for Ports, Minister for Housing and Minister for Local Government.

Yours sincerely,

The Hon. Candy Broad, MLC

- 3 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 13 May 2014, given the Royal Assent to the following Acts presented to him by the Deputy Clerk of the Legislative Council:

*Corrections Amendment (Further Parole Reform) Act 2014*

*Honorary Justices Act 2014*

*Sale of Land Amendment Act 2014*

*State Taxation Legislation Amendment Act 2014*

*Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014.*

- 4 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President read a letter, dated 20 May 2014, from the Minister for Liquor and Gaming Regulation advising the resignation of Mr Trezise from the Board of the Victorian Responsible Gambling Foundation and requesting the Legislative Council to arrange for a Joint Sitting to elect a parliamentary member to fill the vacancy on the Board.

- 5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 6 PETITIONS** —

**DUCK HUNTING IN VICTORIA** — Ms Pennicuik presented a Petition bearing 169 signatures from certain citizens of Victoria requesting that the Legislative Council place a permanent ban on duck shooting in Victoria.

Ordered to lie on the Table.

On the motion of Ms Pennicuik, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**BORAL EXPANSION OF WESTERN LANDFILL SITES** — Mr Melhem presented a Petition bearing 1,741 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, intervene to reject the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall and ensure any decision by the Melton City Council that approves expansion is overturned.

Ordered to lie on the Table.

- 7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —

**ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 6 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**ANNUAL REVIEW 2013** — Mr Dalla-Riva presented the Annual Review 2013 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 —

Minister's Order of 28 February 2014 giving approval to the granting of a lease at Mordialloc-Mentone Beach Park Reserve.

Minister's Order of 1 May 2014 giving approval to the granting of a lease at Geelong Botanical Gardens and Public Recreation Reserve.

Minister's Order of 14 May 2014 giving approval to the granting of a licence at Queen Victoria Gardens and Memorial Statue Reserve.

Northern Melbourne Institute of TAFE — Report, 2013.

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

Ararat Planning Scheme — Amendment C29.

Banyule Planning Scheme — Amendments C80 and C102.

Boroondara Planning Scheme — Amendment C149.

Brimbank Planning Scheme — Amendment C128.

Campaspe Planning Scheme — Amendment C50 (Part 1).

Frankston Planning Scheme — Amendment C94.

Golden Plains Planning Scheme — Amendment C62.

Greater Bendigo Planning Scheme — Amendments C159 (Part 2) and C195.

Greater Dandenong Planning Scheme — Amendment C138.

Indigo Planning Scheme — Amendments C53 and C64.

Maribrynong Planning Scheme — Amendment C122.

Melbourne Planning Scheme — Amendments C220 and C233.

Moreland Planning Scheme — Amendment C151.

Murrindindi Planning Scheme — Amendment C51.

Port Phillip Planning Scheme — Amendment C140.

Stonnington Planning Scheme — Amendment C200.

Wellington Planning Scheme — Amendment C55 (Part 1).

Statutory Rules under the following Acts of Parliament:

Corrections Act 1986 — No. 25.

Financial Management Act 1994 — No. 29.

Magistrates' Court Act 1989 — No. 28.

Prisoners (Interstate Transfer) Act 1983 — No. 26.

Rail Safety Act 2006 — No. 30.

Rail Safety National Law Application Act 2013 — No. 31.

Road Safety Act 1986 — No. 27.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 33 and 34.

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 32.

Victorian Civil and Administrative Tribunal Act 1998 — No. 35.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 15, 17, 18, 25 to 28, 30 to 35, 37 and 38.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Direction to Adult Education Institutions on Executive Remuneration under section 5.2.1 of the Education and Training Reform Act 2006.

Ministerial Direction MD141 — Special Religious Instruction in Government Schools under section 5.2.1 of the Education and Training Reform Act 2006.

Ministerial Order 749 — Structured Workplace Learning and Work Experience — Arrangement Forms and Travel and Accommodation Forms of 15 May 2014 made under the Education and Training Reform Act 2006.

Notice of amendments to Australian Rules of Harness Racing of 1 June 2014 made under the Racing Act 1958.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2013.

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

Drugs, Poisons and Controlled Substances Amendment Act 2014 — 21 May 2014 (*Gazette No. S155, 20 May 2014*).

Emergency Management Act 2013 — 1 July 2014 (*Gazette No. S148, 13 May 2014*).

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Remaining Provisions (except section 16) — 14 May 2014 (*Gazette No. S148, 13 May 2014*).

Rail Safety National Law Application Act 2013 — Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

Summary Offences and Sentencing Amendment Act 2014 — Part 1 and Part 2 (except sections 5 and 6) — 28 May 2014 (*Gazette No. S155, 20 May 2014*).

Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Act 2013 — Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — Part 1, sections 157 and 158 — 18 May 2014; Remaining Provisions — 19 May 2014 (*Gazette No. S148, 13 May 2014*).

**8 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 28 May 2014:

- (1) the Notice of Motion given this day by Mr Lenders in relation to the impact of the Federal Budget on Victoria's health and education systems;
- (2) Order of the Day No. 11, for the consideration of a petition in relation to the Boral Expansion of the Western Landfill Site;
- (3) Notice of Motion No. 749 standing in the name of Ms Tierney in relation to funding for Victoria's TAFE system; and
- (4) the Notice of Motion given this day by Ms Pennicuik in relation to political donations.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 764, be postponed until later this day.

**11 LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE — COMMUNITY PHARMACY** — Mr Davis moved, That, noting the Australian Health Practitioner Regulation Agency 2012-13 annual report, particularly as it relates to the registration of pharmacists in Victoria, this House requires the Legal and Social Issues Legislation Committee to inquire into and report by 14 October 2014 on the role and opportunities for community pharmacy in primary and preventative care in Victoria.

Debate ensued.

Ms Hartland moved, as an amendment, That "Legal and Social Issues Legislation" be omitted with the view of inserting in its place "Legal and Social Issues References".

Debate ensued.

Question — That the amendment moved by Ms Hartland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem

NOES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy

Ms Mikakos	Mr Koch
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mrs Peulich
Ms Tierney ( <i>Teller</i> )	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds ( <i>Teller</i> )

Amendment negatived.

Question — That, noting the Australian Health Practitioner Regulation Agency 2012-13 annual report, particularly as it relates to the registration of pharmacists in Victoria, this House requires the Legal and Social Issues Legislation Committee to inquire into and report on the role and opportunities for community pharmacy in primary and preventative care in Victoria by 14 October 2014 — put and agreed to.

- 12 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

- 14 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 to 7, be postponed until later this day.

- 16 CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014** — 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 committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was ordered to be read a third time on the next day of meeting.

- 17 VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Pennicuik.*

**18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
 Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
 And then the Council, at 10.29 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 175 — Wednesday, 28 May 2014

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — EMERGENCY SERVICES FUNDING** — Ms Tierney presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to improve the funding of emergency services and to provide better pay and conditions to emergency services personnel.  
 Ordered to lie on the Table.
- 3 **PAPERS —**  
**ROAD SAFETY COMMITTEE — SERIOUS INJURY** — Mr Elsbury presented a Report from the Road Safety Committee on Serious Injury (including Appendices), together with Transcripts of Evidence.  
 Ordered to lie on the Table and the Report to be printed.  
 Mr Elsbury moved, That the Council take note of the Report.  
 Debate ensued.  
 Question — put and agreed to.

\* \* \* \* \*

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

Auditor-General's reports on —

Shared Services in Local Government, May 2014.

Universities: Results of the 2013 Audits, May 2014.

Subordinate Legislation Act 1994 — Document under section 15 in respect of Statutory Rule No. 36.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **FEDERAL BUDGET IMPACT ON VICTORIA'S HEALTH AND EDUCATION SYSTEMS** —  
 Mr Lenders moved, That this House condemns the Federal Coalition Government for their unprecedented and callous budget, including —
- (1) \$12.5 billion in cuts to Victoria's health system;
  - (2) abandoning Victorian schools and students by ripping up the Gonski education agreement;
  - (3) driving up the cost of higher education and skills training;
  - (4) forcing Victorian families to pay more for petrol, to see a doctor, and purchase the medicine they need; and
  - (5) privatisation of vital government services and cuts to the ABC and SBS;
- and notes with concern that these measures will negatively impact Victoria's most vulnerable residents, including kindergarten students, pensioners, the unemployed and the disabled.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**MENTONE GARDENS LIQUIDATION** — Mr Davis having given answers to a question without notice and a supplementary question relating to Mentone Gardens Liquidation —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**7 FEDERAL BUDGET IMPACT ON VICTORIA'S HEALTH AND EDUCATION SYSTEMS —**

Debate continued on the question, That this House condemns the Federal Coalition Government for their unprecedented and callous budget, including —

- (1) \$12.5 billion in cuts to Victoria's health system;
- (2) abandoning Victorian schools and students by ripping up the Gonski education agreement;
- (3) driving up the cost of higher education and skills training;
- (4) forcing Victorian families to pay more for petrol, to see a doctor, and purchase the medicine they need; and
- (5) privatisation of vital government services and cuts to the ABC and SBS;

and notes with concern that these measures will negatively impact Victoria's most vulnerable residents, including kindergarten students, pensioners, the unemployed and the disabled.

Question — put and agreed to.

**8 BORAL EXPANSION OF WESTERN LANDFILL SITE — PETITION —** Mr Melhem moved,

That the Council take note of the Petition tabled on 1 April 2014 bearing 4,755 signatures from certain citizens of Victoria requesting the Minister for Planning, the Honourable Matthew Guy, MLC, intervene to reject the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall and ensure any decision by the Melton City Council that approves expansion is overturned.

Debate ensued.

Question — put and agreed to.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 749, be postponed until later this day.

**10 POLITICAL DONATIONS** — Ms Pennicuik moved, That this House calls on the —

- (1) Liberal Party, The Nationals and the Australian Labour Party to refrain from accepting political donations from property developers and organisations that are regulated by Government or may be affected by Government decisions; and
- (2) Government to introduce legislation to limit political donations to, and expenditure by, political parties and candidates.

Debate ensued.

Mr Somyurek moved, as an amendment, That for paragraph (2) substitute —

“(2) Government to introduce legislation to limit political donations to, and expenditure by, political parties and candidates;

and further, prior to the introduction of such legislation in (2), requires the Legal and Social Issues References Committee to inquire into, consider and report by 19 August 2014 on potential constitutional, jurisdictional and practical impediments of Victorian legislation capping political donations to, and expenditure by, political parties and candidates given the existence of national parties with state-registered branches within Australia's federal governance structure.”.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, debate stood adjourned in the name of Mr Dalla-Riva —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion and Orders of the Day, Government Business, be postponed until the next day of meeting.

**13 ADJOURNMENT** — Mr Drum moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.43 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 176 — Thursday, 29 May 2014

1 The President took the Chair and read the Prayer.

2 **PETITION — PHILLIP ISLAND MEDICAL FACILITY** — Mr Ronalds presented a Petition bearing 7,443 signatures from certain citizens of Victoria requesting that the Legislative Council allocate resources for the establishment of a public medical facility on Phillip Island.

Ordered to lie on the Table.

3 **PAPERS** —

**ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE — IMPACT OF THE CARBON TAX ON HEALTH SERVICES** — Mrs Coote presented a Report from the Economy and Infrastructure Legislation Committee on the impact of the carbon tax on health services (including Appendices and Transcripts of Evidence).

Ordered to lie on the Table and the Report to be printed.

Mrs Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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 Acting Clerk:

Auditor-General's reports on —

Access to Services for Refugees, Migrants and Asylum Seekers, May 2014.

Accessibility of Mainstream Services for Aboriginal Victorians, May 2014.

Professional Standards Act 2003 —

Law Society of Western Australia Scheme, 17 April 2014.

Victorian Bar Professional Standards Scheme, 17 April 2014.

Western Australian Bar Association Scheme, 17 April 2014.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 37.

Electricity Safety Act 1998 — No. 36.

Subordinate Legislation Act 1994 — No. 38.

Survey Co-ordination Act 1958 — No. 39.

4 **SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 10 June 2014.

Question — put and agreed to.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

7 **VICTORIA POLICE AMENDMENT (CONSEQUENTIAL AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That contingent upon the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 being committed, it be an instruction to the Committee that they have the power to consider an amendment and New Clauses to amend the *Victoria Police Act 2013* in relation to the liability for tortious conduct by police and protective services officers.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 33
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Mrs Coote
Ms Pennicuik	Ms Crozier
	Mr Dalla-Riva
	Mr Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury ( <i>Teller</i> )
	Mr Finn
	Mr Guy
	Mr Jennings ( <i>Teller</i> )
	Mr Koch
	Mr Leane
	Mr Lenders
	Ms Lovell
	Mr Melhem
	Ms Mikakos
	Mrs Millar
	Mr Danny O'Brien
	Mr David O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mrs Peulich
	Ms Pulford
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds
	Mr Scheffer
	Mr Somyurek
	Mr Tarlamis
	Mr Tee
	Ms Tierney

Question negatived.

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

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

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4, be postponed until later this day.

**9 CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**MENTONE GARDENS LIQUIDATOR FOI REQUEST** — Mr Davis having given answers to a question without notice and a supplementary question relating to an FOI request by the Mentone Gardens Liquidator —

On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**11 CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014** — Debate continued on the question, That the Bill be now read a second time.

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.

**12 BUDGET PAPERS, 2014-15** — Mr O'Donohue moved, That the Council take note of the Budget Papers, 2014-15.

Debate ensued.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

**13 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.51 p.m., adjourned until Tuesday, 10 June 2014.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 174, 175 and 176

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**Tuesday, 27 May 2014**

### **1 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014**

**Clauses 1 to 38** — put and agreed to.

**Clause 39** — Question — That Clause 39 stand part of the Bill — put.  
The Committee divided — The Acting President in the Chair.

AYES, 19	NOES, 17
Mrs Coote	Mr Barber
Ms Crozier	Ms Darveniza ( <i>Teller</i> )
Mr Dalla-Riva ( <i>Teller</i> )	Mr Eideh
Mr Davis	Mr Elasmarr
Mr Drum	Ms Hartland ( <i>Teller</i> )
Mr Elsbury	Mr Jennings
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Mr Melhem
Ms Lovell	Ms Mikakos
Mrs Millar	Ms Pennicuik
Mr Danny O'Brien	Ms Pulford
Mr David O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

**Clauses 40 to 49** — put and agreed to.

**Bill reported without amendment.**

### **2 CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014**

**Clauses 1 to 8** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 29 May 2014

### 1 CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

**Clauses 1 to 3** — Consideration of Clauses 1 to 3 postponed.

**Clause 4** — Question — That Clause 4 stand part of the Bill — put.  
The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

NOES, 15

Mr Barber (*Teller*)  
Mr Eideh (*Teller*)  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tee  
Ms Tierney

Question agreed to.

**Postponed Clauses 1 to 3** — put and agreed to.

**Clauses 5 to 9** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 177, 178 and 179

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#### No. 177 — Tuesday, 10 June 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 3 June 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Crimes Amendment (Protection of Children) Act 2014*  
*Victoria Police Amendment (Consequential and Other Matters) Act 2014.*
- 3 **JOINT SITTING** — Mr Davis moved, by leave, That this House meets with the Legislative Assembly for the purpose of sitting and voting together to —
  - (1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon. Candy Broad; and
  - (2) elect a Member for appointment to the Victorian Responsible Gambling Foundation Board;and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 11 June 2014 at 6.15 p.m.  
Question — put and agreed to.  
Message sent to the Assembly informing them of the Resolution and requesting their agreement.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 5 **PUBLIC RECORDS AMENDMENT BILL 2014** — Mr Davis, by leave without notice, introduced *A Bill for an Act to amend the Public Records Act 1973 to provide for the public release of Cabinet records 30 years after their creation and to make other changes to clarify and improve the operation of that Act and for other purposes.*  
On the motion of Mr Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 **MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014** — Mr Rich-Phillips, by leave without notice, introduced *A Bill for an Act to amend the Melbourne Market Authority Act 1977 to provide for the use of land under that Act and for other purposes.*  
On the motion of Mr Rich-Phillips, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 7 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 7 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2013.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Waste Management Policy (Storage of Waste Tyres).

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

Banyule, Boroondara, Brimbank, Cardinia, Casey, Darebin, Glen Eira, Greater Dandenong, Hume, Kingston, Knox, Manningham, Maribyrnong, Melbourne, Melton, Monash, Moreland, Mornington Peninsula, Whitehorse, Whittlesea, Wyndham and Yarra Planning Schemes — Amendment GC06.

Brimbank, Melton and Wyndham Planning Schemes — Amendment GC1.

Cardinia Planning Scheme — Amendment C171.

Gannawarra Planning Scheme — Amendment C38.

Glenelg Planning Scheme — Amendments C55 (Part 1) and C69.

Golden Plains Planning Scheme — Amendment C69.

Greater Geelong Planning Scheme — Amendments C291 and C293.

Greater Shepparton Planning Scheme — Amendment C140.

Kingston Planning Scheme — Amendment C133.

Mitchell Planning Scheme — Amendment C96.

Moonee Valley Planning Scheme — Amendment C136.

Moreland Planning Scheme — Amendment C155.

Port Phillip Planning Scheme — Amendment C141.

South Gippsland Planning Scheme — Amendment C80.

Southern Grampians Planning Scheme — Amendment C29.

Surf Coast Planning Scheme — Amendments C80 and C88.

Victoria Planning Provisions — Amendment VC106.

Statutory Rules under the following Acts of Parliament:

Child Employment Act 2003 — No. 43.

Conservation, Forests and Lands Act 1987 — No. 40.

Crimes Act 1958 — No. 42.

Road Safety Act 1986 — No. 46.

Subordinate Legislation Act 1994 — No. 45.

Supreme Court Act 1986 — No. 47.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 48.

Transfer of Land Act 1958 — No. 44.

Workplace Injury Rehabilitation and Compensation Act 2013 — No. 41.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 39 to 44 and 46 to 48.

A Legislative Instrument and related documents under section 16B in respect of an Order in Council of 20 May 2014 for the Declaration of a class of motor vehicles to be tractors under the Road Safety Act 1986.

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

Sustainable Forests (Timber) and Wildlife Amendment Act 2014 — Remaining Provisions — 28 May 2014 (*Gazette No. S159, 27 May 2014*).

Travel Agents Repeal Act 2014 — 1 July 2014 (*Gazette No. S170, 3 June 2014*).

Victorian Civil and Administrative Tribunal Amendment Act 2014 — 2 June 2014 (*Gazette No. S159, 27 May 2014*).

**8 PRODUCTION OF DOCUMENTS — WEBB DOCK EAST** — The Acting Clerk read a letter from the Minister for Ports, dated 5 June 2014, in response to the Resolution of the Council of 12 March 2014 seeking the production of documents that relate to discussions or a

decision to provide Patrick Stevedores with compensation for relocating from Webb Dock East —

- advising that the release of such documents would be prejudicial to the public interest; and
- respectfully requesting that the Council not insist on the productions of the documents.

**9 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 11 June 2014:

- (1) the notice of motion given this day by Ms Mikakos in relation to the liquidation of Mentone Gardens;
- (2) Notice of Motion No. 779 standing in the name of Ms Tierney in relation to youth unemployment;
- (3) the notice of motion given this day by Ms Hartland to introduce the Gambling Regulation and Casino Control Amendment Bill 2014;
- (4) the notice of motion given this day by Mr Barber to introduce the Road Safety Rules 2009 (Overtaking Bicycles) Bill 2014; and
- (5) the notice of motion given this day by Mr Barber in relation to the Renewable Energy Target.

Question — put and agreed to.

**10 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the following business to be transacted on Wednesday, 11 June 2014 —

- (1) Messages;
- (2) Formal business;
- (3) Members' statements (up to 15 Members);
- (4) General Business;
- (5) At 12 noon Questions without notice;
- (6) Answers to Questions on notice;
- (7) General Business (continues);
- (8) At 4.30 pm Statements on reports and papers;
- (9) At 5.30 pm Government Business; and
- (10) Adjournment (up to 20 Members).

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

**13 JUSTICE LEGISLATION AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Tee 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.

**14 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the Council's proposal for a joint sitting on 11 June 2014 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 Hon. Candy Broad and to elect a member of the Parliament to the Board of the Victorian Responsible Gambling Foundation.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

**16 BUDGET PAPERS, 2014-15** — Debate resumed on the question, That the Council take note of the Budget Papers, 2014-15.

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

**17 APPROPRIATION (2014-2015) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2014/2015 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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.

**18 APPROPRIATION (PARLIAMENT 2014-2015) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2014/2015 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Debate ensued.

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 BUILDING A BETTER VICTORIA (STATE TAX AND OTHER LEGISLATION AMENDMENT) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the Road Safety Act 1986 and the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Philips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 20 BUDGET PAPERS, 2014-15** — Debate resumed on the question, That the Council take note of the Budget Papers, 2014-15.

On the motion of Mr David O'Brien, the debate was adjourned until later this day.

- 21 BUILDING A BETTER VICTORIA (STATE TAX AND OTHER LEGISLATION AMENDMENT) BILL 2014** — 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.

- 22 BUDGET PAPERS, 2014-15** — Debate resumed on the question, That the Council take note of the Budget Papers, 2014-15.

*Business having been interrupted by the President at 10.00 p.m. pursuant to Sessional Orders —*

- 23 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 178 — Wednesday, 11 June 2014

- 1 The President took the Chair and read the Prayer.

- 2 **PETITION — KINGSWOOD GOLF COURSE** — Mr Tarlamis presented a Petition bearing 487 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, advise petitioners what matters he would consider in deciding whether to approve a rezoning of the Kingswood Golf Course, Dingley Village, to residential land, what limitations he would place on the density of development on the site and what infrastructure requirements he would impose on any development approval.

Ordered to lie on the Table.

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

Auditor-General's reports on —

Prisoner Transportation, June 2014.

Using ICT to Improve Traffic Management, June 2014.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 37.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 45.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 **MENTONE GARDENS LIQUIDATION** — Ms Mikakos moved, That this House notes —

(1) that the registered supported residential service, operated by Parklane Assets Pty Ltd and trading as Mentone Gardens, was placed into voluntary administration on 12 June 2013 and subsequently into liquidation on 18 September 2013;

- (2) the responses to questions without notice from Ms Jenny Mikakos, MLC to the Minister for Ageing, Mr David Davis, MLC, in respect of Mentone Gardens on 17 October 2013, 28 May 2014 and 29 May 2014; and
- (3) that the Minister has shown a complete lack of empathy and compassion to individuals who have lost significant amounts of money by way of security deposits due to the collapse of Mentone Gardens;

and calls on the Minister to cooperate with the liquidator's investigation into the collapse of Mentone Gardens by releasing important documents sought.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

<p>AYES, 15</p> <p>Mr Barber</p> <p>Ms Darveniza</p> <p>Mr Eideh</p> <p>Mr Elasmarr</p> <p>Mr Jennings</p> <p>Ms Hartland</p> <p>Mr Leane</p> <p>Mr Lenders</p> <p>Mr Melhem (<i>Teller</i>)</p> <p>Ms Mikakos</p> <p>Mr Scheffer</p> <p>Mr Somyurek (<i>Teller</i>)</p> <p>Mr Tarlamis</p> <p>Mr Tee</p> <p>Ms Tierney</p>	<p>NOES, 19</p> <p>Mrs Coote</p> <p>Ms Crozier</p> <p>Mr Dalla-Riva (<i>Teller</i>)</p> <p>Mr Davis</p> <p>Mr Drum</p> <p>Mr Elsbury</p> <p>Mr Finn (<i>Teller</i>)</p> <p>Mr Guy</p> <p>Mr Koch</p> <p>Ms Lovell</p> <p>Mrs Millar</p> <p>Mr Danny O'Brien</p> <p>Mr David O'Brien</p> <p>Mr O'Donohue</p> <p>Mr Ondarchie</p> <p>Mrs Peulich</p> <p>Mr Ramsay</p> <p>Mr Rich-Phillips</p> <p>Mr Ronalds</p>
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Question negatived.

**6 YOUTH EMPLOYMENT SCHEME** — Ms Tierney moved, That this House notes that —

- (1) the Napthine Government has cut Victoria's Youth Employment Scheme at the height of a youth unemployment crisis;
  - (2) the Minister for Employment and Trade, the Honourable Lousie Asher, MP, has admitted that the Napthine Government reduced the number of traineeships in the Scheme from 450 to 280;
  - (3) the Napthine Government has also slashed the amount of funding from \$4,500 to \$500 per traineeship;
  - (4) according to the Australian Bureau of Statistics, Victoria's youth unemployment level is 20 per cent, the largest on the mainland of Australia;
  - (5) youth unemployment is even higher in some regional centres of Victoria such as Ballarat and Warrnambool; and
  - (6) more than 52,000 jobs have been lost in Victoria under the Napthine Government;
- and condemns the Napthine Government for not only failing the youth of Victoria, but also actively making it more difficult for them to gain employment in this State.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 YOUTH EMPLOYMENT SCHEME** — Debate continued on the question, That this House notes that —

- (1) the Napthine Government has cut Victoria's Youth Employment Scheme at the height of a youth unemployment crisis;
- (2) the Minister for Employment and Trade, the Honourable Lousie Asher, MP, has admitted that the Napthine Government reduced the number of traineeships in the Scheme from 450 to 280;
- (3) the Napthine Government has also slashed the amount of funding from \$4,500 to \$500 per traineeship;
- (4) according to the Australian Bureau of Statistics, Victoria's youth unemployment level is 20 per cent, the largest on the mainland of Australia;
- (5) youth unemployment is even higher in some regional centres of Victoria such as Ballarat and Warrnambool; and
- (6) more than 52,000 jobs have been lost in Victoria under the Napthine Government; and condemns the Napthine Government for not only failing the youth of Victoria, but also actively making it more difficult for them to gain employment in this State.

On the motion of Mr David O'Brien, the debate was adjourned until later this day.

**9 GAMBLING REGULATION AND CASINO CONTROL AMENDMENT BILL 2014** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Gambling Regulation Act 2003 and the Casino Control Act 1991 to amend bet limits for gaming machines and for other purposes.*

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

**10 ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2014** — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Road Safety Road Rules 2009 in relation to the overtaking of bicycles and for other purposes.*

On the motion of Mr Barber, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Drum, the debate was adjourned for two weeks.

**11 RENEWABLE ENERGY TARGET** — Mr Barber moved, That this House —

- (1) notes the submission by the State of Victoria to the review of the Commonwealth Renewable Energy Target, currently underway;
- (2) rejects the recommendations of the State's submission; and
- (3) calls on the State Government to support the Renewable Energy Target in its current form and to develop a renewable energy plan for Victoria.

Debate ensued.

On the motion of Mr Leane, the debate was adjourned until the next day of meeting.

*Business having been interrupted at 4.30 p.m. pursuant to an Order of the Council on 10 June 2014 —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until the next day of meeting.

**14 PUBLIC RECORDS AMENDMENT BILL 2014** — Mr Guy (for Mr Davis) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, by leave, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Lenders), the debate was adjourned for one week.

- 15 MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014** — Mr Guy (for Mr Rich-Phillips) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, by leave, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 16 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 5.53 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

## No. 179 — Thursday, 12 June 2014

- 1 The President took the Chair and read the Prayer.
- 2 **JOINT SITTING** — The President reported that the House met with the Legislative Assembly on Wednesday, 11 June 2014 to —
  - (1) choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon. Candy Broad and that Ms Margaret Lewis was chosen to hold the vacant place in the Legislative Council; and
  - (2) elect a Member to the Board of the Victorian Responsible Gambling Foundation and that Ms Maree Edwards was elected to the Board for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.
- 3 **DECLARATION OF ALLEGIANCE** — Ms Margaret Lewis, having been introduced, approached the Table and took and subscribed the affirmation required by law.
- 4 **TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Services Superannuation Act 1986, the Parliamentary Salaries and Superannuation Act 1968, the State Superannuation Act 1988, the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Victorian Managed Insurance Authority Act 1996 and to amend certain Acts to update the operation of indexation provisions in or under those Acts and for other purposes* and requesting the agreement of the Council.
 

On the motion of Mr Rich-Phillips, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 5 **FINES REFORM BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the appointment of the Director, Fines Victoria, to provide for the collection and enforcement of infringement fines and court fines, to make amendments to the Infringements Act 2006 and the Sheriff Act 2009, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.
 

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 6 **PETITIONS** —
 

**LILYDALE RAILWAY STATION** — Mr Leane presented a Petition bearing 281 signatures from certain citizens of Victoria requesting that the Government take immediate action to make safe and re-open the closed pedestrian access onto the Lilydale Railway Station platforms.

Ordered to lie on the Table.

**SWINBURNE FACILITIES** — Mr Leane presented a Petition bearing 412 signatures from certain citizens of Victoria requesting that the Government ensures the Swinburne Lilydale TAFE and University facilities remain solely for educational purposes and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

Ordered to lie on the Table.

**7 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2014-15 BUDGET ESTIMATES**

**PART ONE** — Mr David O'Brien presented a Report from the Public Accounts and Estimates Committee on the 2014-15 Budget Estimates Part One (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr David O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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 Acting Clerk:

Auditor-General's report on Managing Consultants and Contractors, June 2014.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 49.

Victorian Environmental Assessment Council Act 2001 — Marine Investigation, Final Report, April 2014.

**8 SITTING OF THE COUNCIL** — Ms Lovell moved, That the Council, at its rising, adjourn until Tuesday, 24 June 2014.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 785, be postponed until later this day.

**11 INAUGURAL SPEECH** — Ms Lovell moved, That the inaugural speech of Ms Margaret Lewis be now heard.

Question — put and agreed to.

**12 TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014** — Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**13 FINES REFORM BILL 2014** — Mr Rich-Phillips (for Mr O'Donohue) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**14 WITNESS PROTECTION AMENDMENT BILL 2014** — 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.

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

**16 VEXATIOUS PROCEEDINGS BILL 2014 (No. 2)** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**17 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**18 VEXATIOUS PROCEEDINGS BILL 2014 (No. 2)** — Debate continued on the question, That the Bill be now read a second time.

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

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Vexatious Proceedings Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 24 June 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

NOES, 19

Mr Barber

Mr Atkinson

Ms Darveniza

Mrs Coote

Mr Eideh

Ms Crozier

Mr Elasmarr

Mr Dalla-Riva (*Teller*)

Mr Jennings

Mr Drum

Ms Hartland

Mr Elsbury

Mr Leane

Mr Finn

Mr Lenders

Mr Guy

Ms Lewis (*Teller*)

Mr Koch

Mr Melhem (*Teller*)

Ms Lovell

Ms Mikakos

Mrs Millar (*Teller*)

Ms Pennicuik

Mr Danny O'Brien

Ms Pulford

Mr David O'Brien

Mr Scheffer

Mr O'Donohue

Mr Somyurek

Mr Ondarchie

Mr Tarlamis

Mrs Peulich

Mr Tee

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Question 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.

**19 LEGAL AND SOCIAL ISSUES STANDING COMMITTEES** — Mr Lenders moved, by leave, That Ms Mikakos be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Ms Lewis be appointed in her place.

Question — put and agreed to.

**20 BUDGET PAPERS, 2014-15** — Debate resumed on the question, That the Council take note of the Budget Papers, 2014-15.

On the motion of Mr Leane, the debate was adjourned until the next day of meeting.

**21 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 4.21 p.m., adjourned until Tuesday, 24 June 2014.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 177, 178 and 179

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Tuesday, 10 June 2014

### 1 JUSTICE LEGISLATION AMENDMENT BILL 2014

**Clause 1** — Mr Tee moved —

1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber  
Ms Darveniza (*Teller*)  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 19

Mr Atkinson  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 16** — put and agreed to.

**Bill reported without amendment.**

### 2 APPROPRIATION (2014-2015) BILL 2014

**Clauses 1 to 9** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 12 June 2014

### 1 VEXATIOUS PROCEEDINGS BILL 2014 (NO. 2)

**Clauses 1 to 26** — put and agreed to.

**Clause 27** — Ms Pennicuik moved —

1. Clause 27, line 14, after “order” insert “, not exceeding 2 years”.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 34

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza (*Teller*)  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 27 — put and agreed to.

**Clauses 28 to 87** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

13. Insert the following New Clause to follow clause 87—  
“A **Review of Act**

- (1) The Minister must cause to be carried out a review of the operation and effectiveness of this Act as soon as practicable after 5 years from the date that it comes into operation to determine, having regard to the **Charter of Human Rights and Responsibilities Act 2006** —
  - (a) whether the purposes of the Act and its policy objectives remain valid; and
  - (b) whether the terms of the Act remain appropriate for ensuring those purposes and policy objectives are met.
- (2) The Minister must cause a copy of a report of the review under subsection (1) to be laid before each House of the Parliament within 12 months after the end of the 5 year period referred to in subsection (1)."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos (*Teller*)  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 19

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negated.

**Clauses 88 to 137** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 180, 181 and 182

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#### No. 180 — Tuesday, 24 June 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
  - On 17 June 2014, given the Royal Assent to the following Acts presented to him by the Speaker:
    - Appropriation (2014-2015) Act 2014*
    - Appropriation (Parliament 2014-2015) Act 2014.*
  - On 17 June 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Building a Better Victoria (State Tax and Other Legislation Amendment) Act 2014*
    - Justice Legislation Amendment Act 2014*
    - Vexatious Proceedings Act 2014*
    - Witness Protection Amendment Act 2014.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **PAPERS** —
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 8 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*
  - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2013 ON REGULATIONS AND LEGISLATIVE INSTRUMENTS** — Mr Dalla-Riva presented the Annual Review 2013 on Regulations and Legislative Instruments from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be printed.

\* \* \* \* \*
  - PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
    - Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2014 pursuant to section 303 of the Act.
    - Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 30.
    - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Alpine, Benalla, Indigo, Mansfield, Moira, Murrindindi, Strathbogrie, Towong and Wodonga Planning Schemes — Amendment GC12.
- Bass Coast Planning Scheme — Amendment C141.
- Baw Baw Planning Scheme — Amendment C105.
- Bayside Planning Scheme — Amendment C106.
- Boroondara Planning Scheme — Amendment C190.
- Casey Planning Scheme — Amendments C194 and C195.
- Central Goldfields, Gannawarra, Macedon Ranges, Mildura and Mount Alexander Planning Schemes — Amendment GC8.
- Colac Otway Planning Scheme — Amendment C79.
- Corangamite and Glenelg Planning Schemes — Amendment GC10.
- East Gippsland Planning Scheme — Amendment C118.
- Golden Plains, Hepburn, Hindmarsh, Horsham, Northern Grampians, Pyrenees and Yarriambiack Planning Schemes — Amendment GC11.
- Hobsons Bay, Hume, Melbourne, Mitchell and Wyndham Planning Schemes — Amendment GC9.
- Manningham Planning Scheme — Amendment C105.
- Maroondah Planning Scheme — Amendment C93.
- Melbourne Planning Scheme — Amendment C229.
- Monash Planning Scheme — Amendment C119.
- Moyne Planning Scheme — Amendment C59.
- Queenscliffe Planning Scheme — Amendment C26.
- South Gippsland Planning Scheme — Amendment C98.
- Stonnington Planning Scheme — Amendment C187.
- Surf Coast Planning Scheme — Amendment C94.
- Towong Planning Scheme — Amendment C30.
- Wangaratta Planning Scheme — Amendment C53.
- Warrnambool Planning Scheme — Amendments C76 and C92.
- Wellington Planning Scheme — Amendment C91.
- Yarra Ranges Planning Scheme — Amendments C126 and C134.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 51.
- Drugs, Poisons and Controlled Substances Act 1981 — No. 50.
- Forests Act 1958 — No. 52.
- Freedom of Information Act 1982 — No. 49.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 50, 52, 54 to 56, 59 and 70.
- Legislative Instruments and related documents under section 16B in respect of —
- Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas of 27 May 2014 made under the Building Act 1993.
- By-law No. 1/2014 Waterways Protection – North Central Catchment Management Authority made under the Water Act 1989.
- Ministerial Order No. 765 – Victorian Institute of Teaching Schedule of Registration Fees 2014-15 of 2 June 2014 made under the Education and Training Reform Act 2006.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

- Environment Protection and Sustainability Victoria Amendment Act 2014 — Sections 14(2), 15(1), 17, 18, 24, 30 and 32 — 30 June 2014 (*Gazette No. S178, 10 June 2014*); Sections 14(1), 14(3), 14(4), 14(5), 15(2), 16, 19, 20, 21, 31 and Part 4 — 1 August 2014 (*Gazette No. S188, 17 June 2014*).
- Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014 — Section 16 — 1 July 2014 (*Gazette No. S188, 17 June 2014*).

Transport Legislation Amendment (Further Tax Reform and Other Matters) Act 2014 — Sections 4 to 21, 25 to 31, Divisions 4 and 5 of Part 2, sections 42 to 44, 54 to 58 and Division 2 of Part 5 — 30 June 2014 (*Gazette No. S188, 17 June 2014*).

**5 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 25 June 2014:

- (1) the notice of motion given this day by Mr Somyurek referring a matter to the Economy and Infrastructure References Committee in relation to the Webb Dock project;
- (2) the notice of motion given this day by Ms Pulford in relation to TAFE training opportunities;
- (3) Notice of Motion No. 788 standing in the name of Mr Lenders noting the media release of 9 November 2012, from the Minister for Children and Early Childhood Development, on Government funding priorities;
- (4) Order of the Day No. 7, second reading of the Gambling Regulation and Casino Control Amendment Bill 2014;
- (5) Notice of Motion No. 787 standing in the name of Ms Pennicuik in relation to Victoria's firearm laws; and
- (6) Order of the Day No. 15, resumption of debate on motion in relation to the Renewable Energy Target.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 764, be postponed until later this day.

**8 EAST WEST LINK** — Mr Davis moved, That this House —

- (1) endorses the policy of the Napthine Government to build the full East West Link;
- (2) welcomes the road congestion relief and enhanced security provided by this much needed second river crossing;
- (3) notes —
  - (a) the East West Link Western Section will provide community and economic benefits to the western suburbs of Melbourne by removing significant numbers of trucks from local roads; and
  - (b) the economic benefit to Victoria in terms of the construction jobs involved; and
- (4) further notes the project's significance to regional Victoria in terms of reduced travel times.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19	NOES, 16
Mr Atkinson	Mr Barber ( <i>Teller</i> )
Mrs Coote	Ms Darveniza
Ms Crozier	Mr Eideh
Mr Dalla-Riva	Mr Elasmarr
Mr Davis	Mr Jennings
Mr Drum	Ms Hartland
Mr Elsbury	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Ms Lewis
Ms Lovell	Mr Melhem
Mrs Millar	Ms Pulford
Mr Danny O'Brien ( <i>Teller</i> )	Mr Scheffer
Mr David O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis ( <i>Teller</i> )

Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)

Mr Tee  
 Ms Tierney

Question agreed to.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 4, be postponed until later this day.

- 10 TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014** — 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.

- 11 PUBLIC RECORDS AMENDMENT BILL 2014** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

- 12 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.51 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 181 — Wednesday, 25 June 2014

- 1 The President took the Chair and read the Prayer.

- 2 PETITION — KINDERGARTEN FUNDING** — Mr Leane presented a Petition bearing 62 signatures from certain citizens of Victoria requesting that the Government does not withdraw National Partnership Agreement funding from Victorian kindergartens and lobbies the Federal Government to reinstate funding to enable Victorian children to attend kindergarten for 15 hours per week beyond 2015.

Ordered to lie on the Table.

- 3 WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014** — Mr O'Donohue, by leave without notice, introduced *A Bill for an Act to amend the Working with Children Act 2005 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*.

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

- 4 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 reports on —

Administration and Effectiveness of the Environmental Contribution Levy, June 2014.

Recreational Maritime Safety, June 2014.

Parliamentary Committees Act 2003 — Government Response to the Economic Development and Infrastructure Committee's Inquiry into Local Economic Development Initiatives.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 60.

Dangerous Goods Act 1985 — No. 56.

Drugs, Poisons and Controlled Substances Act 1981 — No. 59.

Equipment (Public Safety) Act 1994 — No. 55.

Liquor Control Reform Act 1998 — No. 58.

Magistrates' Court Act 1989 — No. 70.

Occupational Health and Safety Act 2004 — No. 54.

Road Safety Act 1986 — Nos. 67 and 68.

Sentencing Act 1991 — No. 57.

Subordinate Legislation Act 1994 — No. 61.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 62, 63, 64, 65 and 66.

Water Act 1989 — No. 69.

Wildlife Act 1975 — No. 53.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 69.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — WEBB DOCK PROJECT** — Mr Somyurek moved, That this House —

(1) condemns —

(a) the Napthine Government for failing to implement the Victorian Industry Participation Policy (VIPP) for the \$1.6 billion Webb Dock expansion despite local content requirements covering strategic projects being applicable to state owned companies as a "State contracting party"; and

(b) the Minister for Ports, Major Projects and Manufacturing, the Hon David Hodgett, MP, for ignoring Port of Melbourne Corporation's (PoMC) procurement choice which denied an innovative, Portland-based steel manufacturer, Keppel Prince, from participating despite its ability to meet specifications using steel sourced from BlueScope Steel;

(2) demands the Napthine Government recognises the strategic value of the local steel industry supplying major infrastructure projects in Victoria; and

(3) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 4 September 2014 on the —

(a) reason the PoMC chose a consortium, which included the Philippines-based International Container Terminal Services Inc., which sources Korean-made steel, to meet the Webb Dock project's 50,000 tonne steel requirement despite the VIPP; and

(b) benefits and contributions to the Victorian economy by the local steel industry in Victorian infrastructure projects, informed by the position paper by The Australian Worker's Union, *State of Steel*.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE — WEBB DOCK PROJECT** — Debate continued on the question, That this House —

(1) condemns —

(a) the Napthine Government for failing to implement the Victorian Industry Participation Policy (VIPP) for the \$1.6 billion Webb Dock expansion despite local content requirements covering strategic projects being applicable to state owned companies as a "State contracting party"; and

- (b) the Minister for Ports, Major Projects and Manufacturing, the Hon David Hodgett, MP, for ignoring Port of Melbourne Corporation's (PoMC) procurement choice which denied an innovative, Portland-based steel manufacturer, Keppel Prince, from participating despite its ability to meet specifications using steel sourced from BlueScope Steel;
- (2) demands the Napthine Government recognises the strategic value of the local steel industry supplying major infrastructure projects in Victoria; and
- (3) requires the Economy and Infrastructure References Committee to inquire into, consider and report by 4 September 2014 on the —
- (a) reason the PoMC chose a consortium, which included the Philippines-based International Container Terminal Services Inc., which sources Korean-made steel, to meet the Webb Dock project's 50,000 tonne steel requirement despite the VIPP; and
- (b) benefits and contributions to the Victorian economy by the local steel industry in Victorian infrastructure projects, informed by the position paper by The Australian Worker's Union, *State of Steel*.

Question — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 19
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote ( <i>Teller</i> )
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Ms Lewis	Mr Guy
Mr Melhem ( <i>Teller</i> )	Mr Koch
Ms Mikakos	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 794 and 788, be postponed until later this day.
- 10 GAMBLING REGULATION AND CASINO CONTROL AMENDMENT BILL 2014** — Ms Hartland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Ms Hartland moved, That the Bill be now read a second time.  
On the motion of Mr Elsbury, the debate was adjourned for two weeks.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 787, be postponed until the next day of meeting.
- 12 RENEWABLE ENERGY TARGET** — Debate resumed on the question, That this House —
- (1) notes the submission by the State of Victoria to the review of the Commonwealth Renewable Energy Target, currently underway;
- (2) rejects the recommendations of the State's submission; and

- (3) calls on the State Government to support the Renewable Energy Target in its current form and to develop a renewable energy plan for Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mr Atkinson
Ms Darveniza ( <i>Teller</i> )	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Guy
Ms Lewis	Mr Koch
Mr Melhem	Ms Lovell
Ms Mikakos	Mrs Millar ( <i>Teller</i> )
Ms Pulford	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien
Mr Somyurek ( <i>Teller</i> )	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

**13 TAFE TRAINING OPPORTUNITIES** — Ms Pulford moved, That this House notes —

- (1) the belated release of the Victorian Training Market Report, 2013;
- (2) the ongoing crisis in TAFE caused by the Napthine-Ryan Government;
- (3) that between 2012 and 2013 —
  - (a) TAFE course enrolments dropped by 4 per cent;
  - (b) TAFE enrolments of students aged 15-19, without Year 12 or equivalent study and no longer enrolled in school have dropped by 17 per cent;
  - (c) enrolments for Diploma and higher award courses dropped by 28 per cent;
  - (d) TAFE enrolments dropped across all regions in Victoria, with highest drops in —
    - (i) Barwon South West, down by 17 per cent;
    - (ii) Loddon Mallee, down by 11 per cent;
    - (iii) Eastern Metropolitan, down by 10 per cent; and
    - (iv) Gippsland, down by 9 per cent; and
  - (e) Learn Local (adult and community education) accredited enrolments dropped by 19 per cent, with the biggest drop in the South-Western Region of 41 per cent;
- (4) the words of the Premier, the Hon Denis Napthine, MP, at Public Accounts and Estimates Committee hearing on 10 May 2013, "We are proud of our reforms to TAFE"; and calls on the Premier to apologise to Victorians who have been denied a training opportunity due to the decisions of the Government.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of remaining General Business be postponed until the next day of meeting.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 764, be postponed until the next day of meeting.

- 17 CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Crimes Act 1958, the Evidence Act 2008 and the Jury Directions Act 2013 to abolish the offence of defensive homicide and to reform the law of complicity and for other purposes.*
- On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*
- On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.
- Mr O'Donohue moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Ms Mikakos) the debate was adjourned for two weeks.
- 18 STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014** — Mr O'Donohue (for Mr Davis), pursuant to notice, introduced *A Bill for an Act to amend the Food Act 1984, the City of Melbourne Act 2001 and the Victorian Energy Efficiency Target Act 2007 to further improve the operation of those Acts and for other purposes.*
- On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*
- On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.
- Mr O'Donohue moved, That the Bill be now read a second time.
- On the motion of Mr Leane, the debate was adjourned for two weeks.
- 19 PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING RED TAPE REDUCTION) BILL 2014** — Mr O'Donohue (for Mr Davis), pursuant to notice, introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to make provision in relation to the registration of premises in which certain businesses are conducted and to correct an outdated reference and for other purposes.*
- On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*
- On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.
- Mr O'Donohue moved, That the Bill be now read a second time.
- On the motion of Mr Melhem, the debate was adjourned for two weeks.
- 20 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.
- And then the Council, at 6.57 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*

## No. 182 — Thursday, 26 June 2014

- 1 The President took the Chair and read the Prayer.
- 2 **PARLIAMENTARY COMMISSIONER FOR STANDARDS** — The President announced that he had received the following letter from the Speaker of the Legislative Assembly —

25 June 2014

The Hon. Bruce Atkinson MLC  
 President of the Legislative Council  
 Chair of the Legislative Council Procedure Committee  
 Parliament House  
 Spring Street  
 East Melbourne VIC 3002

Dear President

**Inquiry into the establishment of an independent Parliamentary Commissioner for Standards in Victoria**

The Legislative Assembly has referred to its Standing Orders Committee an inquiry into the establishment of an independent Parliamentary Commissioner for Standards in Victoria. The terms of reference require the Committee to undertake the inquiry in consultation with the Legislative Council Procedure Committee.

The Committee met this week to commence its inquiry. The Committee has requested the Committee staff to prepare background material on the systems operating in other jurisdictions and options that may be relevant to consider for Victoria. This initial research will be presented to the Committee at its next meeting.

The Committee would like to invite yourself and the members of the Legislative Council Procedure Committee to attend this meeting to review the initial research and discuss the best way to proceed with the inquiry.

The meeting of the Legislative Assembly Standing Orders Committee is scheduled for Wednesday, 6 August 2014 at 11.00 am in the Legislative Council Committee Room.

Yours sincerely,

Hon. Christine Fyffe  
 Speaker

— and referred the establishment of an independent Parliamentary Commissioner for Standards in Victoria to the Procedure Committee.

3 **PAPERS** —

**GOVERNMENT RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Mr Rich-Phillips moved, by leave, That there be laid before this House a copy of the Government Response to the Auditor-General's Reports issued during 2012-13.

Question — put and agreed to.

The paper was presented by Mr Rich-Phillips and ordered to lie on the Table.

\* \* \* \* \*

**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 Impact of Increased Scrutiny of High Value High Risk Projects, June 2014.

Auditor-General's Office — Annual Plan, 2014-15.

State Owned Enterprises Act 1992 — Constitution of State Trustees Limited.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 58.

Victorian Government Report in Multicultural Affairs — Whole of Government Report, 2012-13.

Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial order of 29 May 2014 pursuant to section 122(2) approving compliance codes.

- 4 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 5 August 2014.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 7 WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

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

- 8 MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Mr Tee moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until there has been consultation with Melbourne Market stallholders on provisions removing their rights."

Debate ensued.

Question — That the reasoned amendment moved by Mr Tee be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16	NOES, 19
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote
Mr Eideh	Mr Dalla-Riva ( <i>Teller</i> )
Mr Elasmarr	Mr Davis
Mr Jennings	Mr Drum
Ms Hartland	Mr Elsbury ( <i>Teller</i> )
Mr Leane	Mr Finn
Mr Lenders	Mr Guy
Ms Lewis	Mr Koch
Mr Melhem ( <i>Teller</i> )	Ms Lovell
Ms Mikakos ( <i>Teller</i> )	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 16
Mr Atkinson	Mr Barber
Mrs Coote	Ms Darveniza ( <i>Teller</i> )

Mr Davis	Mr Eideh
Mr Drum	Mr Elasmarr
Mr Elsbury	Mr Jennings
Mr Finn	Ms Hartland
Mr Guy	Mr Leane
Mr Koch	Mr Lenders
Ms Lovell	Ms Lewis
Mrs Millar	Mr Melhem
Mr Danny O'Brien	Ms Mikakos
Mr David O'Brien ( <i>Teller</i> )	Mr Scheffer ( <i>Teller</i> )
Mr O'Donohue	Mr Somyurek
Mr Ondarchie	Mr Tarlamis
Mrs Peulich	Mr Tee
Mr Ramsay ( <i>Teller</i> )	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**10 MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Rich-Phillips 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, 18

NOES, 16

Mr Atkinson	Mr Barber
Mrs Coote	Ms Darveniza
Mr Dalla-Riva	Mr Eideh
Mr Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury	Ms Hartland
Mr Finn	Mr Leane
Mr Guy	Mr Lenders
Mr Koch	Ms Lewis
Ms Lovell	Mr Melhem ( <i>Teller</i> )
Mrs Millar ( <i>Teller</i> )	Ms Mikakos
Mr Danny O'Brien	Ms Pulford
Mr David O'Brien	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mrs Peulich	Ms Tierney ( <i>Teller</i> )
Mr Rich-Phillips	
Mr Ronalds ( <i>Teller</i> )	

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

**11 ROAD SAFETY AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and the Rail Management Act 1996, to make consequential amendments to the Accident Compensation Act 1985, the Transport Accident Act 1986 and the Workplace Injury Rehabilitation and*

*Compensation Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

Debate ensued.

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.

**12 FINES REFORM BILL 2014** — 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, 32

NOES, 2

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland (*Teller*)

Mr Dalla-Riva

Mr Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch (*Teller*)

Mr Leane

Ms Lewis

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

Bill read a second time.

Mr Barber moved, That the Fines Reform Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 6 August 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Mr Barber  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Mikakos (*Teller*)  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)

NOES, 18

Mr Atkinson  
Mrs Coote  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

The Acting President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole later this day.

- 13 SENTENCING AMENDMENT (BASELINE SENTENCES) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 to provide for baseline sentences for indictable offences, to amend the Crimes Act 1958 and the Drugs, Poisons and Controlled Substances Act 1981 to fix a baseline sentence for certain offences against those Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 14 WATER AMENDMENT (FLOOD MITIGATION) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Water Act 1989, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Drum), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 15 CRIME STATISTICS BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the publication of crime statistics and the employment of a Chief Statistician for that purpose, to amend the Commissioner for Law Enforcement Data Security Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Tierney, the debate was adjourned for one week.

- 16 CORRECTIONS AMENDMENT (SMOKE-FREE PRISONS) BILL 2014 (No. 2)** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 to provide for the prohibition and regulation of smoking and the entry, use and possession of tobacco products and tobacco smoking accessories in Victorian prisons, to consequentially amend the Tobacco Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time.

Mr Rich-Phillips moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

Pursuant to Sessional Orders, Mr Rich-Phillips made a statement that the Bill is the same in substance as the Corrections Amendment (Smoke-Free Prisons) Bill 2014 previously read a second time by the Council in this Session.

The President being of the same opinion —

Question — That the Bill be now read a second time — put and agreed to.

Question — That the Bill be now read a third time and do pass — put and agreed to.

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

- 17 ORDER OF THE DAY DISCHARGED** — Mr Rich-Phillips moved, by leave, That Order of the Day, Government Business, No. 6, Corrections Amendment (Smoke-Free Prisons) Bill 2014, be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

- 18 ENERGY LEGISLATION AMENDMENT (CUSTOMER METERING PROTECTIONS AND OTHER MATTERS) BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 19 LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 20 RETIREMENT OF MR WAYNE TUNNECLIFFE, CLERK OF THE LEGISLATIVE COUNCIL** — Mr Davis moved, by leave, That this House notes —

- (1) the recent announcement that Mr Wayne Ronald Tunnecliffe will retire from the Office of Clerk of the Legislative Council and that this day is the last day that Mr Tunnecliffe will sit at the Table as the trusted adviser to the President and Members of the Legislative Council;
  - (2) that Mr Tunnecliffe commenced his service to the Parliament with the Legislative Assembly in February 1967 and has served as Clerk of the Legislative Council since December 1999;
  - (3) that Mr Tunnecliffe has carried out the role of Clerk as a custodian of the finest, centuries old tradition of being authoritative, impartial and discrete;
- and places on record its high appreciation of the long and valuable services rendered by him to the Parliament and the State of Victoria.

Debate ensued.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

**21 FINES REFORM BILL 2014** — 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.

**22 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.11 p.m., adjourned until Tuesday, 5 August 2014.

WAYNE TUNNECLIFFE  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 180, 181 and 182

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**Tuesday, 24 June 2014**

**1 PUBLIC RECORDS AMENDMENT BILL 2014**

**Clauses 1 to 15** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 26 June 2014**

**1 MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014**

**Clauses 1 to 12** — put and agreed to.

**Clause 13** — Question — That Clause 13 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson  
Mrs Coote  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

NOES, 16

Mr Barber (*Teller*)  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

Question agreed to.

**Clauses 14 to 18** — put and agreed to.

**Clause 19** — Question — That Clause 19 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson  
Mrs Coote  
Mr Dalla-Riva

NOES, 16

Mr Barber  
Ms Darveniza  
Mr Eideh (*Teller*)

Mr Davis	Mr Elasmarr
Mr Drum	Mr Jennings
Mr Elsbury	Ms Hartland ( <i>Teller</i> )
Mr Finn	Mr Leane
Mr Guy	Ms Lewis
Mr Koch	Mr Melhem
Ms Lovell	Ms Mikakos
Mrs Millar	Ms Pulford
Mr Danny O'Brien	Mr Scheffer
Mr David O'Brien ( <i>Teller</i> )	Mr Somyurek
Mr O'Donohue	Mr Tarlamis
Mr Ondarchie	Mr Tee
Mr Ramsay ( <i>Teller</i> )	Ms Tierney
Mr Rich-Phillips	
Mr Ronalds	

Question agreed to.

**Clauses 20 and 21** — put and agreed to.

**Clause 22** — Question — That Clause 22 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson  
 Mrs Coote (*Teller*)  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

NOES, 16

Mr Barber (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pulford (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

**Clauses 23 and 24** — put and agreed to.

**Bill reported without amendment.**

## 2 ROAD SAFETY AMENDMENT BILL 2014

**Clauses 1 to 56** — put and agreed to.

**Clause 57** — Question — That Clause 57 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 33

Mr Atkinson

NOES, 2

Mr Barber (*Teller*)

Mrs Coote  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Ms Hartland (*Teller*)

Question agreed to.

**Clauses 58 to 64** — put and agreed to.

**Bill reported without amendment.**

### **3 FINES REFORM BILL 2014**

**Clauses 1 to 331** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 183, 184 and 185

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#### No. 183 — Tuesday, 5 August 2014

- 1 The President took the Chair and read the Prayer.
- 2 **MALAYSIA AIRLINES FLIGHT MH17** — Mr Davis moved, That this House extends its condolences and deepest sympathy to the families and loved ones of those lost on flight MH17 and in recording these sentiments we express the unanimous feeling of the people of the State of Victoria who are shocked and saddened by this tragedy.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **THE LATE MRS LORRAINE CLARE ELLIOTT, AM** — Mr Davis moved, That this House expresses its sincere sorrow at the death, on 2 July 2014, of Mrs Lorraine Clare Elliott, AM, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Mooroolbark from 1992 to 2002.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 4 **ASSENT TO ACTS** — The President read Messages from the Lieutenant-Governor informing the Council that she had —  
On 27 June 2014, given the Royal Assent to the following Act presented to her by the Deputy Clerk of the Legislative Assembly:  
*Treasury Legislation and Other Acts Amendment Act 2014*  
On 1 July 2014, given the Royal Assent to the following Acts presented to her by the Deputy Clerk of the Legislative Assembly:  
*Corrections Amendment (Smoke-Free Prisons) Act 2014*  
*Energy Legislation Amendment (Customer Metering Protections and Other Matters) Act 2014*  
*Fines Reform Act 2014*  
*Local Government (Brimbank City Council) Amendment Act 2014*  
*Road Safety Amendment Act 2014.*
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 6 **PETITIONS** —  
**MILDURA RAIL LINE** — Mr Barber presented a Petition bearing 791 signatures from certain citizens of Victoria requesting that the Government provide passenger rail services between Melbourne and Mildura via the Yelta Rail Corridor and the intermediate communities.  
Ordered to lie on the Table.

\* \* \* \* \*

**JUMPS RACING IN VICTORIA** — Mr Barber (for Ms Pennicuik) presented a Petition bearing 532 signatures from certain citizens of Victoria requesting that the Legislative Council of

Victoria call on the Minister for Racing to intervene and end steeplechase and hurdle racing in Victoria.

Ordered to lie on the Table.

## 7 PAPERS —

### SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —

Mr Dalla-Riva presented Alert Digest No. 9 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Bushfires Royal Commission Implementation Monitor Act 2011 — Report, 2014 of the Bushfires Royal Commission Implementation Monitor pursuant to section 21.

Conservation Forests and Lands Act 1987 — Code of Practice for Timber Production 2014.

Crown Land (Reserves) Act 1978 —

Minister's Order of 23 June 2014 giving approval to the granting of a lease at Mount Warrenheip Flora Reserve.

Minister's Order of 30 June 2014 giving approval to the granting of a lease at Fitzroy Gardens.

Minister's Order of 30 June 2014 giving approval to the granting of a lease at Queens Park Reserve.

Minister's Order of 30 June 2014 giving approval to the granting of a licence at Mayors Park Reserve.

Minister's Order of 4 July 2014 giving approval to the granting of a licence at Alexandra Park and Alexandra Gardens.

Minister's Order of 7 July 2014 giving approval to the granting of a lease and a licence at Mordialloc-Mentone Beach Park.

Minister's Order of 7 July 2014 giving approval to the granting of a lease at St Vincent Gardens Reserve.

Minister's Order of 7 July 2014 giving approval to the granting of a lease at Knox Community Gardens and Vineyard Reserve.

Minister's Order of 7 July 2014 giving approval to the granting of a lease at Cross Keys Reserve.

Minister's Order of 7 July 2014 giving approval to the granting of a lease at Hastings Public Park.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 52 and 54 to 56.

Melbourne Cricket Ground Trust — Report, 2013-14.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — July 2014 and Summary of Variations notified between 6 May 2014 and 19 June 2014 (*Ordered to be printed*).

Ombudsman — Report on Investigation into allegations of improper conduct in the Office of Living Victoria, August 2014 (*Ordered to be printed*).

Parliamentary Committees Act 2003 — Government Response to the Rural and Regional Committee's Report on the Opportunities for People to Use Telecommuting and E-Business to Work Remotely in Regional and Rural Victoria.

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

Alpine Planning Scheme — Amendment C48.

Banyule Planning Scheme — Amendments C94 (Part 1) and C100.

Bass Coast Planning Scheme — Amendment C138.

Bayside Planning Scheme — Amendment C110.

Baw Baw Planning Scheme — Amendment C111.

Brimbank Planning Scheme — Amendment C41.

Casey Planning Scheme — Amendment C164.  
Frankston Planning Scheme — Amendment C97.  
Glen Eira Planning Scheme — Amendments C106 and C125.  
Greater Bendigo Planning Scheme, South Gippsland Planning Scheme and Wellington Planning Scheme — Amendment GC3.  
Greater Dandenong Planning Scheme — Amendment C148.  
Greater Geelong Planning Scheme — Amendments C285 and C290.  
Greater Shepparton Planning Scheme — Amendment C155.  
Hobsons Bay Planning Scheme — Amendment C101.  
Hume Planning Scheme — Amendments C182, C188 and C189.  
Mansfield Planning Scheme — Amendment C29.  
Maribyrnong Planning Scheme — Amendments C129 and C133.  
Maroondah Planning Scheme — Amendment C91.  
Melbourne Planning Scheme — Amendments C237 and C239.  
Melton Planning Scheme — Amendments C155 and C157.  
Moonee Valley Planning Scheme — Amendment C121.  
Moreland Planning Scheme — Amendments C139 and C154.  
Mornington Peninsula Planning Scheme — Amendment C162.  
Mount Alexander Planning Scheme — Amendment C71.  
Nillumbik Planning Scheme — Amendment C87.  
Port Phillip Planning Scheme and Melbourne Planning Scheme — Amendment GC16.  
South Gippsland Planning Scheme — Amendments C74 and C91.  
Surf Coast Planning Scheme — Amendment C83.  
Swan Hill Planning Scheme — Amendment C44.  
Victoria Planning Provisions — Amendments VC109, VC113 and VC116.  
Wangaratta Planning Scheme — Amendment C50.  
Warrnambool Planning Scheme — Amendment C95.  
Whittlesea Planning Scheme — Amendments C158 and C176.  
Wyndham Planning Scheme — Amendments C171, C172 and C173.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 104.  
Children, Youth and Families Act 2005 — No. 91.  
Country Fire Authority Act 1958 — Nos. 81 and 94.  
County Court Act 1958 — Open Courts Act 2013 — No. 100.  
Conservation, Forests and Lands Act 1987 — No. 98.  
Domestic Animals Act 1994 — No. 90.  
Drugs, Poisons and Controlled Substances Act 1981 — No. 95.  
Environment Protection Act 1970 — No. 92.  
Fisheries Act 1995 — No. 96.  
Gambling Regulation Act 2003 — No. 93.  
Guardianship and Administration Act 1986 — No. 107.  
Infringements Act 2006 — No. 103.  
Magistrates' Court Act 1989 — Nos. 102, 105 and 106.  
Metropolitan Fire Brigades Act 1958 — No. 82.  
Mental Health Act 2014 — Nos. 77 and 89.  
Police Regulation Act 1958 — No. 78.  
Road Safety Act 1986 — Nos. 84 and 85.  
Sale of Land Act 1962 — No. 73.  
Sex Work Act 1994 — No. 72.  
Subordinate Legislation Act 1994 — Nos. 83 and 97.  
Tobacco Act 1987 — No. 76.  
Treasury Corporation of Victoria Act 1992 — No. 101.  
Victoria Police Act 2013 — Nos. 79 and 80.  
Victorian Energy Efficiency Target Act 2007 — No. 74.  
Water Act 1989 — Nos. 87, 88 and 99.

- Water Industry Act 1994 — No. 86.  
 Wildlife Act 1975 — No. 75.  
 Workplace Injury Rehabilitation and Compensation Act 2013 — No. 71.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 53, 57, 61 to 68, 71 to 73, 75 to 92, 94 to 100, 102 to 106.  
 Legislative Instruments and related documents under section 16B in respect of —  
 By-law No. 1/2014 Waterways Protection — Mallee Catchment Management Authority under the Water Act 1989.  
 By-law No. 1/2014 Waterways Protection — North East Catchment Management Authority under the Water Act 1989.  
 By-law No. 4/2014 Waterways Protection — Corangamite Catchment Management Authority under the Water Act 1989.  
 Energy Retail Code version 11 under the Electricity Industry Act 2000 and Gas Industry Act 2001.  
 Notice of 12 June 2014 under section 162L(1) of the Transport (Compliance and Miscellaneous) Act 1983.  
 Notice of 16 June 2014 of proposed amendments to Greyhound Racing Victoria Local Racing Rules under the Racing Act 1958.  
 Notice of 23 June 2014 of Driver Accreditation Application, Test, Course and Renewal Requirements under the Transport (Compliance and Miscellaneous) Act 1983.  
 Notice of 24 June 2014 of the Determination of Fees under the Transport (Compliance and Miscellaneous) Act 1983.  
 Notice of 14 July 2014 of Mandatory Code of Practice for the Employment of Children in Entertainment (2014) under the Child Employment Act 2003.

\* \* \* \* \*

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

- Corrections Amendment (Further Parole Reform) Act 2014 — 1 July 2014 (*Gazette No. S200, 24 June 2014*).
- Legal Profession Uniform Law Application Act 2014 — Part 1, Division 1 of Part 2 (except section 8), section 9 and the following provisions as set out in Schedule 1: Chapter 1, Chapter 8 (except Part 8.5 and sections 412(2), 414 and 415), Part 9.4 of Chapter 9, sections 467, 468 and 476, Schedules 1 and 2, clause 8 of Schedule 4 — 1 July 2014 (*Gazette No. S200, 24 June 2014*).
- Mental Health Act 2014 — section 2 (other than subsection (1)) — 30 June 2014 (*Gazette No. S200, 24 June 2014*).
- Victoria Police Act 2013 — 1 July 2014 — (*Gazette No. S200, 24 June 2014*).
- Victoria Police Amendment (Consequential and Other Matters) Act 2014 — Whole Act except for items 151.6, 160.6, 160.7 — 1 July 2014; remaining provisions — 1 September 2014 (*Gazette No. S200, 24 June 2014*).
- Witness Protection Amendment Act 2014 — Whole Act except section 37 — 1 July 2014 (*Gazette No. S200, 24 June 2014*).

\* \* \* \* \*

**REPORTS ORDERED TO BE PRINTED** — The President ordered, That the —

- (1) Summary of Primary Return — July 2014 and Summary of Variations notified between 6 May 2014 and 19 June 2014 under the *Members of Parliament (Register of Interests) Act 1978*; and
- (2) Ombudsman Report on Investigation into allegations of improper conduct in the Office of Living Victoria, August 2014  
— be ordered to be printed.

**8 OMBUDSMAN CORRESPONDENCE** — The President advised the House that he had received correspondence from the Victorian Ombudsman, dated 5 August 2014, in relation to the inadvertent publication of the report onto the Ombudsman's website prior to it being tabled in Parliament.

**9 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That —

- (1) precedence be given to the following General Business on Wednesday, 6 August 2014:
  - (a) Order of the Day No. 12, motion to take note of answers given by the Minister for Health to a question without notice and supplementary question relating to Mentone Gardens liquidation;
  - (b) Order of the Day No. 13, motion to take note of answers given by the Minister for Health to a question without notice and supplementary question relating to Mentone Gardens liquidator FOI request;
  - (c) Notice of Motion No. 771 standing in the name Ms Pulford in relation to the Medicare co-payment;
  - (d) Notice of Motion No. 747 standing in the name of Mr Jennings in relation to climate change;
  - (e) Order of the Day No. 8, resumption of debate on the second reading of the Gambling Regulation and Casino Control Amendment Bill 2014;
  - (f) the notice of motion given this day by Mr Barber in relation to passenger rail services between Bendigo, Ballarat and Geelong and the intermediate communities; and
- (2) this House authorises the President to permit Notices of Motion, General Business, items (1)(a) and (b) as specified above, to be moved and debated concurrently.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 764, be postponed until later this day.**12 SENTENCING AMENDMENT (BASELINE SENTENCES) BILL 2014** — 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, 33

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Sentencing Amendment (Baseline Sentences) Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 2 September 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 35

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

Question negatived.

Mr O'Donohue moved, by leave, That the Bill be now read a third time.

Question — That the Bill, by leave, be now read a third time and do pass — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Question agreed to.

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

**13 WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

**14 CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

On the motion of Mr Leane, the debate was adjourned until the next day of meeting.

**15 STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Mr Jennings.*

**16 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 184 — Wednesday, 6 August 2014

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**SUB-JUDICE CONVENTION** — The President, by leave, tabled the President's briefing paper on the *Sub-judice* Convention.

\* \* \* \* \*

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

Auditor-General's reports on —

Coordinating Public Transport, August 2014.

Technical and Further Education Institutes: Results of the 2013 Audits, August 2014.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 74 and 107.

Legislative Instruments and related documents under section 16B in respect of a notice of 25 July 2014 amending the Racing Victoria Bookmakers' Licence Levy Rules 2012 under the Racing Act 1958.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

4 **MENTONE GARDENS LIQUIDATION** — Pursuant to the Order of the Council on 5 August 2014, Ms Mikakos moved, That the House takes note of —

(1) the Minister for Health's answers to a question without notice and supplementary question on 28 May 2014 relating to Mentone Gardens Liquidation.

(2) the Minister for Health's answers to a question without notice and supplementary question on 29 May 2014 relating to Mentone Gardens Liquidator FOI request.

Debate ensued.

Question — That the House takes note of the Minister for Health's answers to a question without notice and supplementary question on 28 May 2014 relating to Mentone Gardens Liquidation — put and agreed to.

Question — That the House takes note of the Minister for Health's answers to a question without notice and supplementary question on 29 May 2014 relating to Mentone Gardens Liquidator FOI request — put and agreed to.

5 **MEDICARE CO-PAYMENT** — Ms Pulford moved, That this House notes —

(1) the comments made by the Minister for Health, Mr Davis, MLC, in Question time on 27 May 2014 relating to the Medicare co-payment proposed by the Federal Government; and

(2) the Victorian Government's opposition to the proposed Medicare co-payment; and calls on Liberal and National Party Senators for Victoria to oppose the Medicare co-payment.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**7 MEDICARE CO-PAYMENT** — Debate continued on the question, That this House notes —

- (1) the comments made by the Minister for Health, Mr Davis, MLC, in Question time on 27 May 2014 relating to the Medicare co-payment proposed by the Federal Government; and
- (2) the Victorian Government's opposition to the proposed Medicare co-payment; and calls on Liberal and National Party Senators for Victoria to oppose the Medicare Co-Payment.

Question — put and agreed to.

**8 CLIMATE CHANGE** — Mr Jennings moved, That this House —

- (1) refutes Mr Bernie Finn, MLC's, continual statements in this House that climate change (Global Warming) is a hoax;
- (2) notes that Mr Finn's statements are contrary to the objectives in the *Climate Change Act 2010*, which he and his fellow Liberal MLCs voted for, including recognition of the overwhelming scientific consensus that human activity is causing climate change and acknowledgement that climate change is a common concern of humankind and responding to it is a responsibility shared by all levels of government, industry, communities and people in Victoria;
- (3) further notes that Victoria is particularly vulnerable to the adverse effects of climate change; and
- (4) calls on the Naphthine Government and future Victorian governments to implement policies to mitigate the consequences of climate change for the sake of future generations.

Debate ensued.

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

**9 GAMBLING REGULATION AND CASINO CONTROL AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Ms Pulford moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this Bill be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 2 September 2014, and —

- (1) in particular, the Committee should give consideration to —
  - (a) the risk of legal liability to the State; and
  - (b) the impact of the Government's approach to extending electronic gaming machine (EGM) entitlements on the operation of the provisions in the Bill; and
- (2) the Bill not be read a second time until the Committee has reported to the House."

Debate ensued.

Question — That the reasoned amendment moved by Ms Pulford be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Barber  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell

Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Mrs Millar (*Teller*)  
 Mr Danny O'Brien  
 Mr David O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 35

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis (*Teller*)  
 Ms Lovell  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question negatived.

**10 PASSENGER RAIL SERVICES — BENDIGO, BALLARAT AND GEELONG** — Mr Barber moved, That this House calls on the Government to commit to providing passenger rail services between Bendigo, Ballarat and Geelong and the intermediate communities.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, debate stood adjourned in the name of Mr Lenders —*

- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 764, be postponed until the next day of meeting.
- 13 LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2014** — Mr Drum, pursuant to notice, introduced *A Bill for an Act to amend the Local Government Act 1989 and the City of Melbourne Act 2001 and for other purposes*.  
On the motion of Mr Drum, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 14 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.  
Debate ensued.  
And then the Council, at 6.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 185 — Thursday, 7 August 2014

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS** —  
**GOVERNMENT SECONDARY SCHOOL IN BEAUMARIS** — Mr Lenders presented a Petition bearing 372 signatures from certain citizens of Victoria requesting that the Legislative Council ensure the ongoing provision of a government secondary school at the site of the Beaumaris Campus of Sandringham Secondary College, and specifically provide a locally governed years 7-12 school for the community.  
Ordered to lie on the Table.  
\* \* \* \* \*
- TAFE FUNDING** — Mr Lenders presented a Petition bearing 1,537 signatures from certain citizens of Victoria requesting that the Government reinstate TAFE funding and guarantee no further cuts will be made.  
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Acting Clerk:  
Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —  
By-law No. 2/2014 Waterways Protection — Wimmera Catchment Management Authority under the Water Act 1989.  
By-law No. 3/2014 Waterways Protection — Goulburn Broken Catchment Management Authority under the Water Act 1989.  
By-law No. 3/2014 Waterways Protection — West Gippsland Catchment Management Authority under the Water Act 1989.
- 4 **SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 19 August 2014.  
Question — put and agreed to.
- 5 **PROCEDURE COMMITTEE** — Mr Lenders moved, by leave, That Standing Orders be suspended to the extent necessary to allow for —  
(1) Mr Jennings to be a participating member of the Procedure Committee; and  
(2) Mr Jennings to substitute for Mr Viney on the Procedure Committee for the remainder of the 57th Parliament.  
Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.
- 8 LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2014** — Mr Davis (for Mr Drum) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Davis, by leave, the second reading speech was incorporated into Hansard.  
Mr Davis moved, That the Bill be now read a second time.  
On the motion of Mr Leane (for Mr Tee), the debate was adjourned for two weeks.
- 9 PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING RED TAPE REDUCTION) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.
- 10 STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Jennings were circulated.  
Debate continued.  
Amendments proposed to be moved in Committee by Mr Barber 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 noon pursuant to Standing Orders —*
- 11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 12 STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.
- 13 WATER AMENDMENT (FLOOD MITIGATION) BILL 2014** — 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.
- 14 CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014** — 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 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 transmitted to the Assembly with a Message requesting their agreement.

- 15 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.
- 16 FILMING APPROVAL BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.
- 17 CRIMINAL ORGANISATIONS CONTROL AND OTHER ACTS AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Criminal Organisations Control Act 2012, the Criminal Procedure Act 2009, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Major Crime (Investigative Powers) Act 2004 and the Sentencing Act 1991, to make consequential and miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Ms Pulford), the debate was adjourned for one week.
- 18 POWERS OF ATTORNEY BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to consolidate certain aspects of the law as to powers of attorney and to otherwise provide for powers of attorney, to provide for matters to do with supportive attorneys, to repeal Parts XI and XIA of the Instruments Act 1958 and Division 5A of Part 4 of the Guardianship and Administration Act 1986, to make related amendments to those and other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Mr Leane (for Mr Talarmis), the debate was adjourned for one week.
- 19 PRIVACY AND DATA PROTECTION BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for responsible collection and handling of personal information in the Victorian public sector, to establish a protective data security regime, to repeal the Information Privacy Act 2000 and the Commissioner for Law Enforcement Data Security Act 2005, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.
- Mr Rich-Phillips moved, That the Bill be now read a second time.
- On the motion of Ms Tierney, the debate was adjourned for one week.
- 20 ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 and the Human Tissue Act 1982 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Rich-Phillips (for Mr Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

**21 FREEDOM OF INFORMATION AND VICTORIAN INSPECTORATE ACTS AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Freedom of Information Act 1982 and the Victorian Inspectorate Act 2011 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

**22 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.08 p.m., adjourned until Tuesday, 19 August 2014.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 183, 184 and 185

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**Tuesday, 5 August 2014**

**1 WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014**

**Clauses 1 to 46** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 7 August 2014**

**1 STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014**

**Clause 1** — Mr Barber moved —

1. Clause 1, lines 5 to 8, omit paragraph (a).

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Barber  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland (*Teller*)  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer  
Mr Somyurek  
Mr Tee  
Ms Tierney

NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich (*Teller*)  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds (*Teller*)

Amendment negated.

**Clause 1** — Mr Barber moved —

2. Clause 1, page 2, line 5, omit "Committee; and" and insert "Committee."

Question — That the amendment be agreed to — put and negated.

Clause 1 — put and agreed to.

**Clauses 2 to 6** — put and agreed to.

**Clause 7** — Question — That clause 7 stand part of the Bill — put.  
Committee divided — Acting President in the Chair.

AYES, 18

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

NOES, 16

Mr Barber (*Teller*)  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane (*Teller*)  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tee  
Ms Tierney

Question agreed to.

**Clause 8** — put and agreed to.

**Clause 9** — Mr Jennings moved —

3. Clause 9, line 24, for "2" substitute "5.4".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Barber  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem (*Teller*)  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tee  
Ms Tierney

NOES, 18

Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr Davis  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Ronalds

Amendment negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 12** — put and agreed to.

**Bill reported without amendment.**

## 2 CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, lines 5 and 6, omit "to abolish the offence of defensive homicide and".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 33

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh (*Teller*)  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar (*Teller*)  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tee  
Ms Tierney

Amendment negatived.

**Clause 1** — Ms Pennicuik moved —

2. Clause 1, page 2, line 11, after "which" insert "defensive homicide".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)

NOES, 34

Mr Atkinson  
Mrs Coote

Ms Pennicuik

Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tee  
 Ms Tierney

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

8. Insert the following New Heading and Clause to follow Clause 5:

**'Division 3—Review of Act**

**A Review of certain amendments**

Before section 585 of the Crimes Act 1958 insert—

"584 Review of amendments made by Crimes Amendment (Self-defence and Other Matters) Act 2014

- (1) The Attorney-General must review the operation of Part IC to determine whether the policy objectives of that Part remain valid and whether the provisions of that Part remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the day on which section 3 of the Crimes Amendment (Self-defence and Other Matters) Act 2014 comes into operation.
- (3) The Attorney-General must cause a report on the outcome of the review to be laid before each House of Parliament within 12 months after the end of the period of 5 years."

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 16

Mr Barber  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tee  
Ms Tierney (*Teller*)

## NOES, 21

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie (*Teller*)  
Mrs Peulich  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds

Question negatived.

**Clauses 6 to 13** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 186, 187 and 188

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### No. 186 — Tuesday, 19 August 2014

- 1 The President took the Chair and read the Prayer.
  - 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 12 August 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Consumer Affairs Legislation Amendment Act 2014*
    - Filming Approval Act 2014*
    - Sentencing Amendment (Baseline Sentences) Act 2014*
    - Water Amendment (Flood Mitigation) Act 2014.*
  - 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.  
**PRISON OFFICER RECRUITMENT** — Mr O'Donohue having given answers to a question without notice and a supplementary question relating to prison officer recruitment —  
On the motion of Mr Lenders, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
  - 4 **PETITION — KINGSWOOD GOLF COURSE** — Mr Tarlamis presented a Petition bearing 342 signatures from certain citizens of Victoria requesting that the Legislative Council lobby the Minister for Planning, the Honourable Matthew Guy, MLC, to advise petitioners what matters he would consider in deciding whether to approve a rezoning of the Kingswood Golf Course, Dingley Village, to residential land, what limitations he would place on the density of development on the site and what infrastructure requirements he would impose on any development approval.  
Ordered to lie on the Table.  
On the motion of Mrs Peulich, the petition was ordered to be taken into consideration on the next day of meeting.
  - 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** —  
Mr Dalla-Riva presented Alert Digest No. 10 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.  
\* \* \* \* \*
- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
Gambling Regulation Act 2003 — Amendment to the Monitoring Licence pursuant to section 3.4.59C of the Act.  
Interpretation of Legislation Act 1984 —

Environment Protection Authority — Protocol for Environmental Management — Domestic Ballast Water Management in Victorian State Waters.

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 39, 51 and 60.

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

Bayside Planning Scheme — Amendment C134.

Boroondara Planning Scheme — Amendment C189.

Brimbank Planning Scheme — Amendment C160.

Casey Planning Scheme — Amendment C196.

East Gippsland Planning Scheme — Amendment C112 (Part 1).

Frankston Planning Scheme — Amendment C91.

Greater Bendigo Planning Scheme — Amendments C173 and C204.

Greater Geelong Planning Scheme — Amendments C277, C302 and C310.

Horsham Planning Scheme — Amendment C71.

Hume Planning Scheme — Amendment C180.

Kingston Planning Scheme — Amendment C125 (Part 1).

Latrobe Planning Scheme — Amendment C82.

Manningham Planning Scheme — Amendment C103.

Mansfield Planning Scheme — Amendment C30.

Melbourne Planning Scheme and Port Phillip Planning Scheme — Amendment GC7.

Mildura Planning Scheme — Amendments C84 and C88.

Murrindindi Planning Scheme — Amendment C50.

Swan Hill Planning Scheme — Amendment C55.

Wangaratta Planning Scheme — Amendments C49, C52 and C54.

Whittlesea Planning Scheme — Amendment C186.

Wyndham Planning Scheme — Amendment C201.

Public Interest Monitor — Report, 2013-14.

Road Safety Camera Commissioner — Report, 2013-14.

Subordinate Legislation Act 1994 — A Legislative Instrument and related documents under section 16B in respect of Declaration under section 96A of the Road Safety Act 1986.

Youth Parole and Youth Residential Boards — Report, 2013-14.

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 20 August 2014:

- (1) the notice of motion given this day by Mr Lenders disallowing the Water (Long Service Leave) Amendment Regulations 2014;
- (2) the notice of motion given this day by Ms Tierney in relation to unemployment rates;
- (3) Order of the Day No. 5, resumption of debate on the second reading of the Residential Tenancies Amendment (Housing Standards) Bill 2013;
- (4) Order of the Day No. 9, resumption of debate on motion relating to political donations; and
- (5) the notice of motion given this day by Ms Hartland referring matters relating to truck traffic to the Economy and Infrastructure References Committee.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 817, be postponed until later this day.

**9 CRIME STATISTICS BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Pennicuik was 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.

#### **10 CRIMINAL ORGANISATIONS CONTROL AND OTHER ACTS AMENDMENT BILL 2014 —**

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, 35

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland (*Teller*)

Ms Crozier

Ms Pennicuik

Mr Dalla-Riva (*Teller*)

Ms Darveniza

Mr Davis

Mr Drum

Mr Eideh

Mr Elasmarr (*Teller*)

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lewis

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Criminal Organisations Control and Other Acts Amendment Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 18 September 2014.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3  
 Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 35  
 Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar (*Teller*)  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr O'Donohue 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, 35  
 Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar

NOES, 3  
 Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis (*Teller*)  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question agreed to.

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

- 11 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Coroners Act 2008, the Children, Youth and Families Act 2005, the Victorian Civil and Administrative Tribunal Act 1998, the Victims of Crime Assistance Act 1996, the Court Security Act 1980 and the Interpretation of Legislation Act 1984, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

- 12 POWERS OF ATTORNEY BILL 2014** — 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.

- 13 PRIVACY AND DATA PROTECTION BILL 2014** — 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.

— The Acting President announced that he had received a report from the Acting Clerk notifying that he had made the following correction in this Bill:

In Clause 11, page 16, line 10, insert the letter 'g' into the word immediately preceding 'Council' so that the word reads 'Legislative'.

- 14 ADJOURNMENT** — Mr O'Donohue proposed the question, That the House do now adjourn.  
 Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.  
 And then the Council, at 10.10 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 187 — Wednesday, 20 August 2014

- 1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE ROYAL COMMISSION — INTERIM REPORT** — Mr O'Donohue presented, by command of the Governor, the Interim Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.  
 The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**EDUCATION AND TRAINING COMMITTEE — APPROACHES TO HOMEWORK IN VICTORIAN SCHOOLS** — Mrs Kronberg presented a Report from the Education and Training Committee on Approaches to Homework in Victorian Schools (including Appendices, an Extract of Proceedings and a Minority Report), together with transcripts of evidence.

Ordered to lie on the Table and the Report to be printed.  
 Mrs Kronberg moved, That the Council take note of the Report.  
 Debate ensued.  
 Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
 Auditor-General's reports on —  
     Access to Legal Aid, August 2014.  
     Managing the Environmental Impacts of Transport, August 2014.  
 Mental Health Review Board incorporating the Psychosurgery Review Board — Report, 2013-14.

- 3 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Davis moved, by leave, That the Resolution of the Council of 26 November 2013 and the subsequent Resolution of the Council of 26 March 2014 requiring the Family and Community Development Committee to inquire into and report by 3 September 2014 on the Social Inclusion of Victorians with a Disability, be amended so as to now require the Committee to present its report by 17 September 2014.

Question — put and agreed to.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 5 **WATER (LONG SERVICE LEAVE) AMENDMENT REGULATIONS 2014** — Mr Lenders moved, That the Water (Long Service Leave) Amendment Regulations 2014 be disallowed.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Lewis	Mr Guy
Mr Melhem ( <i>Teller</i> )	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien ( <i>Teller</i> )
Mr Somyurek ( <i>Teller</i> )	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Question negatived.

**6 UNEMPLOYMENT RATE** — Ms Tierney moved, That this House notes that —

- (1) when the Coalition took office, the unemployment rate was 4.9 per cent – 2.1 percentage points below today; and
- (2) under Dr Denis Napthine, MP, Victoria's unemployment rate has rocketed to 7 per cent, the highest it has been for 14 years, which means under the Napthine Government, more than 70,000 people have lost their job;

and agrees that this record level of unemployment is a direct result of the Napthine Government not having a jobs plan, not delivering any major projects in its term of office and cutting \$1.2 billion from TAFE, forcing the closure of many campuses and reducing retraining opportunities for the unemployed.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**8 UNEMPLOYMENT RATE** — Debate continued on the question, That this House notes that —

- (1) when the Coalition took office, the unemployment rate was 4.9 per cent – 2.1 percentage points below today; and
- (2) under Dr Denis Napthine, MP, Victoria's unemployment rate has rocketed to 7 per cent, the highest it has been for 14 years, which means under the Napthine Government, more than 70,000 people have lost their job;

and agrees that this record level of unemployment is a direct result of the Napthine Government not having a jobs plan, not delivering any major projects in its term of office and cutting \$1.2 billion from TAFE, forcing the closure of many campuses and reducing retraining opportunities for the unemployed.

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

**9 RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

## AYES, 3

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

## NOES, 36

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question negatived.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders —*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 817, be postponed until later this day.

**12 JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Administration and Probate Act 1958, the Wills Act 1997 and the Status of Children Act 1974, to make consequential and other amendments to other Acts and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for two weeks.

- 13 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014** — Mr O'Donohue, pursuant to notice, introduced *A Bill for an Act to amend the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

On the motion of Mr O'Donohue, by leave, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

- 14 CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014** — Mr Guy, pursuant to notice, introduced *A Bill for an Act to amend the Owners Corporations Act 2006, the Retirement Villages Act 1986, the Sale of Land Act 1962, the Veterans Act 2005 and the Australian Consumer Law and Fair Trading Act 2012 and for other purposes.*

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

On the motion of Mr Guy, by leave, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

- 15 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014** — Mr Guy, pursuant to notice, introduced *A Bill for an Act to amend the Sex Offenders Registration Act 2004, the Children, Youth and Families Act 2005 and the Freedom of Information Act 1982 and for other purposes.*

On the motion of Mr Guy, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

On the motion of Mr Guy, by leave, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for two weeks.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 827, be postponed until later this day.

- 17 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

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

- 18 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Orders.

And then the Council, at 7.01 p.m., adjourned until tomorrow.

## No. 188 — Thursday, 21 August 2014

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
  - Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —
    - Ministerial Direction 142 of 18 August 2014 — Standing Application to amend an RTO's scope of Registration under the Education and Training Reform Act 2006.
    - Ministerial Order 769 of 18 August 2014 amending Ministerial Order 615 — Amendment to fixing of fees administered by the Victorian Registration and Qualifications Authority under the Education and Training Reform Act 2006.
    - Ministerial Direction 144 of 19 August 2014 — Amendment to Ministerial Direction 141 relating to Special Religious Instruction in Government Schools under the Education and Training Reform Act 2006.
  - Victorian Law Reform Commission — Report on the Review of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.
- 3 **SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 2 September 2014.  
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 827, be postponed until later this day.
- 6 **ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Jennings were circulated.  
Debate continued.  
An amendment proposed to be moved in Committee by Ms Pennicuik was 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 noon pursuant to Standing Orders —*
- 7 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 8 **ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013** — 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.
- 9 **LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.
- 10 **FREEDOM OF INFORMATION AND VICTORIAN INSPECTORATE ACTS AMENDMENT BILL 2014** — 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.

- 11 CHILDREN, YOUTH AND FAMILIES AMENDMENT (PERMANENT CARE AND OTHER MATTERS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 and to amend the Commission for Children and Young People Act 2012 and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 12 GAMBLING AND LIQUOR LEGISLATION FURTHER AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make further amendments to the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998 and the Victorian Commission for Gambling and Liquor Regulation Act 2011, to amend the Gambling and Liquor Legislation Amendment (Modernisation) Act 2014 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

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

- 13 RESOURCES LEGISLATION AMENDMENT (BTEX PROHIBITION AND OTHER MATTERS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990 and the Petroleum Act 1998 to prohibit the use of BTEX chemicals in hydraulic fracturing and to make other amendments to those Acts, to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and the Pipelines Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Drum), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Scheffer), the debate was adjourned for one week.

- 14 SENTENCING AMENDMENT (EMERGENCY WORKERS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 and the Crimes Act 1958 to provide a custodial sentence for certain violent offences committed against emergency workers, to amend the Crimes Act 1958 to fix a baseline sentence for murder of an emergency worker, to amend the Crimes Act 1958 and the Summary Offences Act 1966 to expand existing assault offences to include emergency workers, to amend the Sentencing Act 1991 in relation to community correction orders, to amend the Children, Youth and Families Act 2005 in relation to the release on parole of certain offenders and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 15 TOBACCO AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in specified outdoor areas and in the vicinity of pedestrian access points to certain places, to increase the penalty for possessing certain tobacco products and to amend inspectors' powers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Davis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Ms Lewis, the debate was adjourned for one week.

- 16 TRANSFER OF LAND AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transfer of Land Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 17 GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014** — The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 18 ADJOURNMENT** — Mr Rich-Phillips moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.29 p.m., adjourned until Tuesday, 2 September 2014.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 186, 187 and 188

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Tuesday, 19 August 2014

### 1 CRIME STATISTICS BILL 2014

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved —

1. Clause 5, after line 13 insert—

"( ) to audit crime statistics and crime recording practices and manage crime statistics in Victoria;"

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Mrs Cooté  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza (*Teller*)  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmár  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 18** — put and agreed to.

**Bill reported without amendment.**

## 2 CRIMINAL ORGANISATIONS CONTROL AND OTHER ACTS AMENDMENT BILL 2014

**Clauses 1 to 187** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 21 August 2014

### 1 ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013

**Clause 1** — put and agreed to.

**Clause 2** — Mr Jennings moved —

1. Clause 2, line 7, omit "subsection (2)" and insert "subsections (2) and (3)".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Barber (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney (*Teller*)

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 5** — put and agreed to.

**Clause 6** — Mr Jennings moved —

3. Clause 6, lines 23 and 24, omit "**may be given to Registrar by individuals**" and insert "**to be given to Registrar**".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza ( <i>Teller</i> )	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland ( <i>Teller</i> )	Mr Drum
Mr Leane	Mr Elsbury ( <i>Teller</i> )
Mr Lenders	Mr Finn
Ms Lewis	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie ( <i>Teller</i> )
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds

Amendment negated.

Mr Jennings moved —

- Clause 6, line 26, before "natural person" insert "registered ART provider, clinic, agency, medical practice or a".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Darveniza	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Lewis	Mr Guy
Mr Melhem ( <i>Teller</i> )	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay ( <i>Teller</i> )
	Mr Rich-Phillips
	Mr Ronalds

Amendment negated.

Clause 6 — put and agreed to.

**Clauses 7 to 9** — put and agreed to.

**Clause 10** — Mr Jennings moved —

7. Clause 10, after line 24 insert—

'(a) after "a donor treatment procedure," insert "regardless of when the gametes used in the procedure were donated,".'

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek  
 Mr Tarlamis (*Teller*)  
 Mr Tee  
 Ms Tierney

NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury (*Teller*)  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr Danny O'Brien  
 Mr David O'Brien (*Teller*)  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negatived.

## Ms Pennicuik moved —

1. Clause 10, lines 28 to 30, omit all words and expressions on these lines and insert—

"(b) paragraph (b) is **repealed**."

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 33

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell

Mr Melhem  
 Ms Mikakos (*Teller*)  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich (*Teller*)  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

Amendment negatived.  
 Clause 10 — put and agreed to.

**New clause** — Mr Jennings moved —

15. Insert the following New Clause to follow clause 10—

**'A New Sections 59A and 59B inserted**

After section 59 of the Principal Act **insert—**

**"59A Contact veto by pre-1988 donor or person born as a result of a pre-1988 donor treatment procedure**

- (1) A person who donated gametes before 1 July 1988 may give the Registrar a contact veto that states that the person does not wish to be contacted by a person born as a result of a treatment procedure using the donor's gametes.
- (2) A person born as a result of a pre-1988 donor treatment procedure may give the Registrar a contact veto that states that the person does not wish to be contacted by the donor of the gametes used in the treatment procedure.
- (3) A contact veto lapses 5 years after it is given to the Registrar, unless it is earlier renewed or withdrawn.

**59B Disclosure of identifying information if contact veto given to Registrar**

- (1) This section applies if—
  - (a) the Registrar receives an application under section 56 for information relating to a person who has given a contact veto; and
  - (b) the contact veto states the person does not wish to be contacted by the applicant; and
  - (c) the contact veto is currently in force under section 59A.
- (2) The Registrar must not disclose identifying information to the applicant unless the applicant has received at least one counselling session about the implications of the contact veto from a counsellor—
  - (a) who provides counselling on behalf of a registered ART provider; or
  - (b) who provides counselling on behalf of the Authority.'

Question — That the new clause be agreed to — put and negatived.

**Clauses 11 to 14** — put and agreed to.

**New clause** — Mr Jennings moved —

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

**'B Consent**

For section 67(2) of the Principal Act **substitute—**

"(2) If the person required to give consent—

- (a) is dead; or
- (b) cannot be found after the Registrar has made all enquiries that are reasonable in the circumstances of the case—

the consent may be given by the senior available next of kin of that person, within the meaning of the **Human Tissue Act 1982**."

Question — That the new clause be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Barber (*Teller*)  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mr Danny O'Brien (*Teller*)  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds (*Teller*)

Question negatived.

**Clause 15** — put and agreed to.

**Clause 16** — Mr Jennings moved —

9. Clause 16, page 12, lines 3 to 8, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr  
 Mr Jennings  
 Ms Hartland  
 Mr Leane (*Teller*)  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy (*Teller*)  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Ms Lovell  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Amendment negatived.

Clause 16 — put and agreed to.

**Clauses 17 to 22** — put and agreed to.

**Clause 23** — Mr Jennings moved —

10. Heading to clause 23, omit "**section 121A**" and insert "**sections 121A and 121B**".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Barber  
Ms Darveniza  
Mr Eideh  
Mr Elasmarr  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford (*Teller*)  
Mr Scheffer (*Teller*)  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote (*Teller*)  
Ms Crozier (*Teller*)  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds

Amendment negatived.

Clause 23 — put and agreed to.

**Clause 24** — Mr Jennings moved —

14. Clause 24, page 16, line 4, omit "6 months" and insert "3 months".

Question — That the amendment be agreed to — put and negatived.

Clause 24 — put and agreed to.

**Clauses 25 and 26** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 189, 190 and 191

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### No. 189 — Tuesday, 2 September 2014

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE OWEN GLYNDWR (GLYN) JENKINS** — Mr Davis moved, That this House expresses its sincere sorrow at the death, on 21 August 2014, of the Honourable Owen Glyngwr (Glyn) Jenkins, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Electoral Province of South Western from 1970 to 1976 and the Electoral Province of Geelong from 1976 to 1982 and as Minister of Water Supply from 1981 to 1982 and Minister assisting the Treasurer from 1981 to 1982.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Mr Davis moved, That as a further mark of respect to the memory of the late Mr Owen Glyndwr (Glyn) Jenkins, the sitting be suspended for one hour.

*[Sitting suspended from 2.50 p.m. until 3.55 p.m.]*

- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

On 26 August 2014 —

*Crime Statistics Act 2014*

*Criminal Organisations Control and Other Acts Amendment Act 2014*

*Gambling and Liquor Legislation Amendment (Modernisation) Act 2014*

*Powers of Attorney Act 2014.*

On 2 September 2014 —

*Assisted Reproductive Treatment Further Amendment Act 2014*

*Freedom of Information and Victorian Inspectorate Acts Amendment Act 2014*

*Privacy and Data Protection Act 2014.*

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

- 5 **PAPERS** —

**BOARD OF INQUIRY INTO THE HAZELWOOD MINE FIRE — REPORT** — Mr Davis presented, by command of the Governor, the Report of the Board of Inquiry into the Hazelwood Mine Fire.

The Report was presented by Mr Davis and ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No.11 of 2014 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

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

Crown Land (Reserves) Act 1978 — Minister's Order of 19 August 2014 giving approval to the granting of a licence and a lease at Birregurra Public Park.

Disability Services Commissioner — Report, 2013-14.

Drugs, Poisons and Controlled Substances Act 1981 — Minister's Notice of 28 August 2014 regarding the amendment, commencement and availability of the Poisons Code.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 117.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 31 March 2014.

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

Bayside Planning Scheme — Amendment C136.

Boroondara Planning Scheme — Amendment C193.

Brimbank Planning Scheme, Melton Planning Scheme and Wyndham Planning Scheme — Amendment GC18.

Cardinia Planning Scheme — Amendment C196.

Melton Planning Scheme — Amendments C158 and C159.

Mitchell Planning Scheme — Amendment C95.

Moreland Planning Scheme — Amendment C156.

South Gippsland Planning Scheme — Amendment C95.

Victoria Planning Provisions — Amendments VC117 and VC118.

Wangaratta Planning Scheme — Amendment C51.

Wyndham Planning Scheme — Amendment C181.

Professional Standards Act 2003 — Institute of Chartered Accountants Professional Standards Scheme, 4 August 2014.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 109.

Workplace Injury Rehabilitation and Compensation Act 2013 — No. 108.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 109, 111 and 113 to 117.

\* \* \* \* \*

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

Parks and Crown Land Legislation Amendment Act 2013 — sections 25, 27 and 28 — 1 September 2014 (*Gazette No. S282, 26 August 2014*).

Sale of Land Amendment Act 2014 — Remaining Provisions — 1 October 2014 (*Gazette No. S282, 26 August 2014*).

**6 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 3 September 2014:

- (1) the notice of motion given this day by Mr Jennings relating to the production of documents detailing ambulance response times for Code 1 dispatches;
- (2) the notice of motion given this day by Ms Mikakos in relation to residential aged care;
- (3) Order of the Day No. 13, resumption of debate on motion relating to the rate of unemployment in Victoria;
- (4) Order of the Day No. 1, resumption of debate on the second reading of the Members of Parliament (Serious Misconduct) Amendment Bill 2011;
- (5) Notice of Motion No. 804 standing in the name of Ms Pennicuik taking note of a petition relating to steeplechase and hurdle racing in Victoria; and
- (6) Order of the Day No. 8, resumption of debate on motion requesting the introduction of legislation limiting political donations.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 831, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 9 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
Question — put and agreed to.  
Bill read a second time.  
Ordered — That the Bill be committed to a Committee of the whole later this day.
- 10 GAMBLING AND LIQUOR LEGISLATION FURTHER AMENDMENT BILL 2014** — 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.
- 11 CHILDREN, YOUTH AND FAMILIES AMENDMENT (PERMANENT CARE AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.  
An amendment proposed to be moved in Committee by Ms Mikakos was circulated.  
Debate continued.  
Amendments proposed to be moved in Committee by Ms Hartland were circulated.  
Debate continued.  
*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*
- 
- Mr Davis moved, That the sitting be extended.  
Question — put.  
The Council divided — The President in the Chair.
- |                                    |                                |
|------------------------------------|--------------------------------|
| AYES, 20                           | NOES, 17                       |
| Mr Atkinson                        | Mr Barber                      |
| Mrs Coote                          | Mr Eideh                       |
| Ms Crozier                         | Mr Elasmarr                    |
| Mr Dalla-Riva                      | Mr Jennings                    |
| Mr Davis                           | Ms Hartland                    |
| Mr Drum                            | Mr Leane                       |
| Mr Elsbury ( <i>Teller</i> )       | Mr Lenders                     |
| Mr Finn                            | Ms Lewis                       |
| Mr Guy                             | Mr Melhem                      |
| Mr Koch                            | Ms Mikakos                     |
| Mrs Kronberg                       | Ms Pennicuik ( <i>Teller</i> ) |
| Ms Lovell                          | Ms Pulford                     |
| Mrs Millar                         | Mr Scheffer                    |
| Mr Danny O'Brien ( <i>Teller</i> ) | Mr Somyurek                    |
| Mr David O'Brien                   | Mr Tarlamis ( <i>Teller</i> )  |
| Mr O'Donohue                       | Mr Tee                         |
| Mr Ondarchie                       | Ms Tierney                     |
| Mrs Peulich                        |                                |
| Mr Ramsay                          |                                |
| Mr Ronalds                         |                                |
- Question agreed to.
-

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

Question 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.

Ms Lovell 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, 34

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmar

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question agreed to.

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

**12 WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

**13 ADJOURNMENT** — Mr O'Donohue moved, That the House do now adjourn.

Debate ensued

*And the Council having continued to sit until after 12 midnight —*

WEDNESDAY, 3 SEPTEMBER 2014

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 12.06 a.m., adjourned until this day at 9.30 a.m.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## **No. 190 — Wednesday, 3 September 2014**

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND OUTER SUBURBAN/INTERFACE SERVICES COMMITTEE — MARINE RESCUE SERVICES IN VICTORIA** — Mr Eideh presented a Report from the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee on Marine Rescue Services in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — HERITAGE TOURISM AND ECOTOURISM IN VICTORIA** — Mr Koch presented a Report from the Environment and Natural Resources Committee on Heritage Tourism and Ecotourism in Victoria (including Appendices), together with a Summary Report and Transcripts of Evidence.

Ordered to lie on the Table and the Report and Summary Report to be printed.

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**LAW REFORM, DRUGS AND CRIME PREVENTION COMMITTEE — SUPPLY AND USE OF METHAMPHETAMINES, PARTICULARLY 'ICE', IN VICTORIA** — Mr Ramsay presented a Report from the Law Reform, Drugs and Crime Prevention Committee on the Supply and Use of Methamphetamines, particularly 'Ice', in Victoria (including Appendices, Extracts from the Proceedings of the Committee and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REVIEW OF THE AUDITOR-GENERAL'S REPORTS 2009-2011** — Mr Ondarchie presented a Report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Reports 2009-2011 (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Ondarchie moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**RURAL AND REGIONAL COMMITTEE — OPPORTUNITIES FOR INCREASING EXPORTS OF GOODS AND SERVICES FROM REGIONAL VICTORIA** — Mr David O'Brien presented a Report from the Rural and Regional Committee on Opportunities for Increasing Exports of Goods and Services from Regional Victoria (including Appendices), together with a Summary Report and Transcripts of Evidence.

Ordered to lie on the Table and the Report and Summary Report to be printed.

Mr David O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Auditor-General's report on Managing Landfills, September 2014.

Coastal Management Act 1995 — Victorian Coastal Strategy 2014, pursuant to section 19 of the Act.

Forensic Leave Panel — Report, 2013.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(4) in relation to Statutory Rule Nos. 54 and 55.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 113.

Evidence (Miscellaneous Provisions) Act 1958 — No. 118.  
Honorary Justices Act 2014 — Nos. 110 and 111.  
Magistrates' Court Act 1989 — No. 112.  
Non-Emergency Patient Transport Act 2003 — No. 117.  
Owners Corporations Act 2006 — No. 114.  
Residential Tenancies Act 1997 — No. 116.  
Sale of Land Act 1962 — No. 115.

Subordinate Legislation Act 1994 — Guidelines for the preparation of statutory rules and legislative instruments under section 26(3) of the Act.

Victorian Law Reform Commission — Final Report on Jury Empanelment.

**3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**4 PRODUCTION OF DOCUMENTS — AMBULANCE RESPONSE TIMES** — Mr Jennings moved, That this House —

(1) notes —

- (a) that in the past the Coalition Government has provided ambulance response time data by branch at the fiftieth and ninetieth percentile in response to Freedom of Information requests;
- (b) recommendation 5 of the Auditor-General's Access to Ambulance Services Report, that Ambulance Victoria publicly reports a comprehensive suite of response time indicators, including national measures of response times at the fiftieth and ninetieth percentiles and a breakdown of performance by region and locality; and
- (c) the outright refusal by Ambulance Victoria to provide ambulance response time information by branch or by locality, as it "may unduly excite public controversy" ahead of the November election; and

(2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*; and

(3) requires the Leader of the Government to table, by 12 noon, Wednesday, 17 September 2014, a copy of a complete list of ambulance response times for Code 1 dispatches for the period 1 July 2013 to 30 June 2014 for each urban centre and locality and for each local government area, including —

- (a) the total number of Code 1 instances;
- (b) the average time to respond;
- (c) the fiftieth percentile;
- (d) the ninetieth percentile; and
- (e) the proportion of Code 1 incidents responded to within 15 minutes.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

Mr Drum, having provided an explanation as to why answers to certain Questions on Notice had not been provided —

Mr Lenders moved, That the House take note of the explanation.

Debate ensued.

Question — put and agreed to.

**6 PRODUCTION OF DOCUMENTS — AMBULANCE RESPONSE TIMES** — Debate continued on the question, That this House —

(1) notes —

- (a) that in the past the Coalition Government has provided ambulance response time data by branch at the fiftieth and ninetieth percentile in response to Freedom of Information requests;

- (b) recommendation 5 of the Auditor-General's Access to Ambulance Services Report, that Ambulance Victoria publicly reports a comprehensive suite of response time indicators, including national measures of response times at the fiftieth and ninetieth percentiles and a breakdown of performance by region and locality; and
  - (c) the outright refusal by Ambulance Victoria to provide ambulance response time information by branch or by locality, as it "may unduly excite public controversy" ahead of the November election; and
- (2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*; and
- (3) requires the Leader of the Government to table, by 12 noon, Wednesday, 17 September 2014, a copy of a complete list of ambulance response times for Code 1 dispatches for the period 1 July 2013 to 30 June 2014 for each urban centre and locality and for each local government area, including —
- (a) the total number of Code 1 instances;
  - (b) the average time to respond;
  - (c) the fiftieth percentile;
  - (d) the ninetieth percentile; and
  - (e) the proportion of Code 1 incidents responded to within 15 minutes.

Question — put and agreed to.

**7 RESIDENTIAL AGED CARE** — Ms Mikakos moved, That this House condemns the Napthine Government for —

- (1) cutting \$75 million of funding from public sector residential aged care, with \$25 million cut this financial year and \$50 million to be cut in 2015-16;
- (2) moving to privatise 1000 metropolitan public sector residential aged care beds;
- (3) closing public aged care facilities in Ballarat, Castlemaine, Flemington, Koroit, Kyneton, Melbourne, Melton South and Williamstown, as well as the privatisation of Rosebud Residential Aged Care Services, despite an ageing population;
- (4) closing 410 public sector aged care beds since coming to office;
- (5) limiting aged care choices for Victorian families;
- (6) failing to address the increasing cost of living pressures by slugging Victorian pensioners more for car registration, public transport, the new Fire Services Property Levy and public housing rents;
- (7) neglecting the provision of essential services that Victorian seniors rely on, such as our health system, by ripping \$826 million from Victorian hospitals;
- (8) failing to stand up to the Abbott Government's attacks on seniors including the \$7 GP tax, changes to pension indexation and retirement age; and
- (9) failing to stand up to the Abbott Government's decision to cease providing the Dementia and Severe Behaviours Supplement and Aged Care Payroll Tax Supplement;

and calls on the Napthine Government to stop the attacks on Victoria's seniors and, in particular, to stop its privatisation of public aged care.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote ( <i>Teller</i> )
Mr Eideh ( <i>Teller</i> )	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Lewis	Mr Guy

Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney ( <i>Teller</i> )	Mrs Peulich
	Mr Ramsay
	Mr Ronalds ( <i>Teller</i> )

Question negatived.

**8 UNEMPLOYMENT RATE** — Debate resumed on the question, That this House notes that —

- (1) when the Coalition took office, the unemployment rate was 4.9 per cent – 2.1 percentage points below today; and
- (2) under Dr Denis Napthine, MP, Victoria's unemployment rate has rocketed to 7 per cent, the highest it has been for 14 years, which means under the Napthine Government, more than 70,000 people have lost their job;

and agrees that this record level of unemployment is a direct result of the Napthine Government not having a jobs plan, not delivering any major projects in its term of office and cutting \$1.2 billion from TAFE, forcing the closure of many campuses and reducing retraining opportunities for the unemployed.

Question — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza	Mrs Coote
Mr Eideh	Ms Crozier ( <i>Teller</i> )
Mr Elasmr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane ( <i>Teller</i> )	Mr Elsbury
Mr Lenders	Mr Finn ( <i>Teller</i> )
Ms Lewis ( <i>Teller</i> )	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Ronalds

Question negatived.

**9 MEMBERS OF PARLIAMENT (SERIOUS MISCONDUCT) AMENDMENT BILL 2011** —

Debate resumed on the question, That the Bill be now read a second time and on the reasoned amendment standing in the name of Ms Mikakos That all the words after "That" be omitted with the view of inserting in their place "so much of the Standing Orders be suspended to enable the contents of the Bill to be referred to the Environment and Planning Legislation Committee for inquiry, consideration and report and that the Bill not be read a second time until the Council has considered the final report of the Committee on the Bill".

Question — That the reasoned amendment standing in the name of Ms Mikakos be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber	Mr Atkinson
Ms Darveniza ( <i>Teller</i> )	Mrs Coote
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Lewis	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek ( <i>Teller</i> )	Mr David O'Brien ( <i>Teller</i> )
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Ronalds ( <i>Teller</i> )

Amendment negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 3	NOES, 35
Mr Barber	Mr Atkinson
Ms Hartland ( <i>Teller</i> )	Mrs Coote
Ms Pennicuik ( <i>Teller</i> )	Ms Crozier
	Mr Dalla-Riva
	Ms Darveniza
	Mr Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Elsbury
	Mr Finn
	Mr Guy
	Mr Jennings
	Mr Koch
	Mrs Kronberg
	Mr Leane
	Mr Lenders
	Ms Lewis
	Ms Lovell
	Mr Melhem
	Ms Mikakos
	Mrs Millar
	Mr Danny O'Brien ( <i>Teller</i> )
	Mr David O'Brien
	Mr O'Donohue
	Mr Ondarchie
	Mrs Peulich

Ms Pulford  
 Mr Ramsay  
 Mr Ronalds  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question negated.

- 10 JUMPS RACING PETITION** — Ms Pennicuik moved, That this House takes note of the Petition bearing 532 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria call on the Minister for Racing to intervene and end steeplechase and hurdle racing in Victoria tabled in the House on 5 August 2014.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, debate stood adjourned in the name of Mr Ondarchie —*

- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 12 CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014** — The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.
- 13 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.  
 Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.12.

And then the Council, at 6.46 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 191 — Thursday, 4 September 2014

- 1** The President took the Chair and read the Prayer.
- 2 SENTENCING AMENDMENT (COWARD'S PUNCH MANSLAUGHTER AND OTHER MATTERS) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 and the Sentencing Act 1991 in relation to manslaughter and to make minor technical amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 3 PAPERS** —
- VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT, 2013-14** — Mr Davis moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission Report, 2013-14.  
 Question — put and agreed to.  
 The report was presented by Mr Davis and ordered to lie on the Table.
- \* \* \* \* \*
- ACCOUNTABILITY AND OVERSIGHT COMMITTEE — VICTORIAN OVERSIGHT AGENICIES** — Mr David O'Brien presented a Report from the Accountability and Oversight Committee on Victorian Oversight Agencies (including Appendices), together with Transcripts of Evidence.  
 Ordered to lie on the Table and the Report to be printed.  
 Mr David O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Independent Broad-based Anti-corruption Commission — Report, 2013-14.

Ombudsman — Report, 2013-14.

State Trustees Limited — Report, 2013-14.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 108 and 119.

Legislative Instruments and related documents under section 16B in respect of —

Electronic Conveyancing Operating Requirements – Version 2, under section 22 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Electronic Conveyancing Participation Rules – Version 2, under section 23 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2013-14.

Treasury Corporation of Victoria — Report, 2013-14.

- 4 RIGHT OF REPLY — CR GEOFF LAKE** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Councillor Geoff Lake, City of Monash, to statements made in the Council by Mrs Peulich on 7 August 2014.

Ordered to lie on the Table and to be printed.

On the motion of Mrs Peulich, the Right of Reply was ordered to be taken into consideration on the next day of meeting.

- 5 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until Tuesday, 16 September 2014.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 836, be postponed until later this day.

- 8 SENTENCING AMENDMENT (COWARD'S PUNCH MANSLAUGHTER AND OTHER MATTERS) BILL 2014** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

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

- 9 TOBACCO AMENDMENT BILL 2014** — 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.

- 10 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Sex Offenders Registration Amendment Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 14 October 2014.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**12 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014** — Debate continued on the question, That the Sex Offenders Registration Amendment Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 14 October 2014.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 33

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar (*Teller*)  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

Mr Guy moved, by leave, That the Bill be read a third time and do pass.

Question — put and agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

**13 CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

**14 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014** — 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 RESOURCES LEGISLATION AMENDMENT (BTEX PROHIBITION AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

- 16 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Prevention of Cruelty to Animals Act 1986, the Domestic Animals Act 1994, the Livestock Disease Control Act 1994, the Veterinary Practice Act 1997 and the Plant Biosecurity Act 2010 to further improve the operation of those Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

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

- 17 INQUIRIES BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the establishment and conduct of inquiries in Victoria, to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Guy laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Guy, the second reading speech was incorporated into Hansard.

Mr Guy moved, That the Bill be now read a second time.

On the motion of Mr Scheffer, the debate was adjourned for one week.

- 18 ADJOURNMENT** — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.54 p.m., adjourned until Tuesday, 16 September 2014.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 189, 190 and 191

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**Tuesday, 2 September 2014**

### **1 CHILDREN, YOUTH AND FAMILIES AMENDMENT (PERMANENT CARE AND OTHER MATTERS) BILL 2014**

**Clauses 1 to 16** — put and agreed to.

**Clause 17** — Ms Mikakos moved —

1. Clause 17, lines 13 to 29, omit all words and expressions on these lines and insert—  
'In section 276(2) of the Principal Act, for "custody" (wherever occurring) **substitute** "care".'

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Barber (*Teller*)  
Mr Eideh  
Mr Elasmar  
Mr Jennings  
Ms Hartland  
Mr Leane  
Mr Lenders  
Ms Lewis  
Mr Melhem  
Ms Mikakos  
Ms Pennicuik  
Ms Pulford  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee (*Teller*)  
Ms Tierney

NOES, 20

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Mr Davis  
Mr Drum  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Koch  
Mrs Kronberg  
Ms Lovell  
Mrs Millar (*Teller*)  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Ronalds

Amendment negated.

Clause 17 — put and agreed to.

**Clauses 18 to 33** — put and agreed to.

**Clause 34** — Ms Hartland moved —

1. Clause 34, page 26, after line 12 insert—  
“( ) After section 294A(1) of the Principal Act **insert**—  
(1A) Despite subsection (1), the Court may extend a family reunification order if the Court is satisfied that a parent of the child did not receive a service included in the case plan for the child under section 166(4).”

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Barber  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford (*Teller*)  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier (*Teller*)  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay (*Teller*)  
 Mr Ronalds

Amendment negatived.

Clause 34 — put and agreed to.

**Clauses 35 to 95** — put and agreed to.

**Clause 96** — Ms Hartland moved —

2. Clause 96, page 51, after line 20 insert—

“( ) After section 166(3) of the Principal Act **insert**—

- (4) If a case plan includes a permanency objective stated in section 167(1)(a) or (b), the case plan must also include an outline of the services that will be provided to the parent of the child to facilitate meeting that objective.”.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Barber  
 Mr Eideh  
 Mr Elasmar  
 Mr Jennings  
 Ms Hartland (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek (*Teller*)  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

## NOES, 20

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn (*Teller*)  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Ronalds

Amendment negatived.

Clause 96 — put and agreed to.

**Clauses 97 to 173** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 4 September 2014

### 1 COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, page 2, lines 21 to 23, omit all words and expressions on those lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 34

Mr Atkinson  
Mrs Coote  
Ms Crozier (*Teller*)  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos (*Teller*)  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 34** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

2. Insert the following New Clause to follow clause 34—

**'A Reasons for final orders**

After section 117(2) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"(2A) The Tribunal must inform an unrepresented party of the party's right under subsection (2) to request written reasons."'.

Question — That the New Clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

NOES, 33

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford (*Teller*)  
Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee

Amendment negatived.

**Clause 35** — Question — That Clause 35 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 32

Mr Atkinson (*Teller*)  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Elasmarr  
Mr Elsbury

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee

Question agreed to.

**Clauses 36 to 63** — put and agreed to.

**Clause 64** — Question — That Clause 64 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 33

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn (*Teller*)  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem (*Teller*)  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich

NOES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Ms Pulford  
 Mr Ramsay  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

Question agreed to.

**New Clauses** — Ms Pennicuik moved —

15. Insert the following New Clauses to follow clause 64—

**'C Prevention of deaths in similar circumstances**

(1) In section 8 of the **Coroners Act 2008**—

- (a) in paragraph (f), for "justice." **substitute** "justice;"
- (b) after paragraph (f) **insert**—

"(g) ways in which deaths may be prevented from occurring in circumstances similar to those that have caused deaths the subject of coronial investigations."

(2) For section 67(3) of the **Coroners Act 2008 substitute**—

"(3) A coroner may comment on any matter connected with the death including—

- (a) matters relating to public health and safety or the administration of justice; and
- (b) the specification of ways in which deaths may be prevented from occurring in similar circumstances in future."

(3) For section 72(2) of the **Coroners Act 2008 substitute**—

"(2) A coroner may make recommendations to any Minister, public statutory authority or entity on any matter connected with a death or fire which the coroner has investigated, including recommendations—

- (a) relating to public health and safety; or
- (b) the administration of justice; or
- (c) following the investigation of a death, relating to the prevention of deaths in similar circumstances in future."

**D Coroners powers at inquests**

(1) After section 55(2)(c) of the **Coroners Act 2008 insert**—

"(d) order Victoria Legal Aid to offer legal assistance to an interested party on any conditions specified by the coroner;"

(2) After section 55(3) of the **Coroners Act 2008 insert**—

"(4) If a coroner makes an order under subsection (2)(d), the coroner may adjourn the inquest until legal assistance has been offered, and if the legal assistance has been accepted, provided to the interested party.

(5) In this section—

**Victoria Legal Aid** means Victoria Legal Aid established under section 3 of the **Legal Aid Act 1978**."

Question — That the New Clauses stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber  
 Ms Hartland (*Teller*)  
 Ms Pennicuik (*Teller*)

NOES, 32

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmarr

Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee

Amendment negated.

**Clause 65** — Ms Pennicuik moved —

16. Clause 65, line 15, omit "may" and insert "must".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Pennicuik

NOES, 30

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich (*Teller*)  
 Ms Pulford

Mr Ramsay  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek (*Teller*)  
Mr Tarlamis

Amendment negatived.

Clause 65 — put and agreed to.

**Clauses 66 to 110** — put and agreed to.

**Bill reported without amendments.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 192, 193 and 194

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### No. 192 — Tuesday, 16 September 2014

- 1 The President took the Chair and read the Prayer.1867
- 2 **THE LATE JOHN ALBERT CULPIN** — The President advised the House of the death, on 2 September 2014, of Mr John Albert Culpin, Member of the Legislative Assembly for the Electoral District of Glenroy from 1976 to 1985 and the Electoral District of Broadmeadows from 1985 to 1988.  
Members stood in their places as a mark of respect to the memory of the deceased.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 9 September 2014, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*  
*Courts Legislation Miscellaneous Amendments Act 2014*  
*Crimes Amendment (Abolition of Defensive Homicide) Act 2014*  
*Gambling and Liquor Legislation Further Amendment Act 2014*  
*Tobacco Amendment Act 2014*  
*Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 5 **PAPERS** —  
**FIRE SERVICES COMMISSIONER ANNUAL REPORT, 2013-14** — Mr Guy moved, by leave, That there be laid before this House a copy of the Fire Services Commissioner Annual Report 2013-14.  
Question — put and agreed to.  
The Report was presented by Mr Guy and ordered to lie on the Table.  
\* \* \* \* \*  
**CONSUMER UTILITIES ADVOCACY CENTRE ANNUAL REPORT, 2013-14** — Mr Guy moved, by leave, That there be laid before this House a copy of the Consumer Utilities Advocacy Centre Annual Report 2013-14.  
Question — put and agreed to.  
The Report was presented by Mr Guy and ordered to lie on the Table.  
\* \* \* \* \*  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 12 of 2014 (including Appendices), from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be printed.

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

Adult Parole Board of Victoria — Report, 2013-14.

Crown Land (Reserves) Act 1978 —

Minister's Order of 19 June 2014 giving approval to the granting of a licence at Maryvale and Narracan Preservation Reserves.

Minister's Order of 25 August 2014 giving approval to the granting of a lease at Camperdown Public Park.

Minister's Order of 4 September 2014 giving approval to the granting of a lease at Batman Park.

Minister's Order of 8 September 2014 giving approval to the granting of a lease at Fawkner Park.

Minister's Orders of 8 September 2014 giving approval to the granting of a lease and 10 September 2014 giving approval to the granting of a licence at Lakeside Stadium Reserve.

Commissioner for Law Enforcement Data Security — Report, 2013-14.

Docklands Studios Melbourne Pty Ltd — Report, 2013-14.

Energy Safe Victoria — Report, 2013-14.

Essential Services Commission — Report, 2013-14.

Film Victoria — Report, 2013-14.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2013-14.

Melbourne and Olympic Parks Trust — Report, 2013-14.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2014 and Summary of a Variation notified between 20 June 2014 and 12 September 2014.

Metropolitan Fire and Emergency Services Board — Report, 2013-14.

Planning and Environment Act 1987 —

Amendment 121 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C104.

Bass Coast Planning Scheme — Amendments C131 and C144.

Boroondara Planning Scheme — Amendment C213.

Brimbank Planning Scheme, Maribyrnong Planning Scheme, Melbourne Planning Scheme, Melton Planning Scheme and Wyndham Planning Scheme — Amendment GC17.

Buloke Planning Scheme — Amendment C23.

Colac Otway Planning Scheme — Amendment C75.

East Gippsland Planning Scheme — Amendment C117.

Hobsons Bay Planning Scheme — Amendment C97.

Knox Planning Scheme — Amendment C121.

Southern Grampians Planning Scheme — Amendment C34.

Victoria Planning Provisions — Amendment VC120.

Whitehorse Planning Scheme — Amendment C165.

Racing Integrity Commissioner's Office — Report, 2013-14.

Shrine of Remembrance Trustees — Minister's report of receipt of 2013-14 report.

State Sports Centres Trust — Report, 2013-14.

Statutory Rules under the following Acts of Parliament:

Coroners Act 2008 — No. 119.

Motor Car Traders Act 1986 — No. 120.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 110, 112, 120 and 121.

Terrorism (Community Protection) Act 2003 — Review of Counter-Terrorism Legislation Report, pursuant to section 38 of the Act.

Victoria Grants Commission — Report, 2013-14.

Victorian Curriculum and Assessment Authority — Report, 2013-14.  
Victorian Inspectorate — Report, 2013-14, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999.  
Victorian Institute of Teaching — Report, 2013-14.  
Victorian Registration and Qualifications Authority — Report, 2013-14.  
Victorian Small Business Commissioner's Office — Report, 2013-14.  
Victorian Veterans Council — Minister's report of receipt of 2013-14 report.

\* \* \* \* \*

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

Consumer Affairs Legislation Amendment Act 2014 — sections 3, 4, 5, 6, 10, 12 and 21 and Part 8 — 3 November 2014 (*Gazette No. S304, 9 September 2014*).

Criminal Organisations Control and Other Acts Amendment Act 2014 — Part 7 — 2 September 2014 (*Gazette No. S295, 2 September 2014*).

Justice Legislation Amendment (Miscellaneous) Act 2013 — section 46 — 2 September 2014 (*Gazette No. S295, 2 September 2014*).

**6 GOVERNMENT RESPONSE TO REVIEW OF VICTORIAN COUNTER-TERRORISM LEGISLATION** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the Government Response to the Recommendations of the Review of the Victorian Counter-Terrorism Legislation.

Question — put and agreed to.

The paper was presented by Mr O'Donohue and ordered to lie on the Table.

**7 CEMETERIES AND CREMATORIA AMENDMENT BILL 2014** — Mr Davis, by leave without notice, introduced *A Bill for an Act to amend the Cemeteries and Crematoria Act 2003 in relation to rights of interment and for other purposes*.

On the motion of Mr Davis, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

**8 BUSINESS OF THE COUNCIL** — Mr Leane (for Mr Lenders) moved, by leave, That precedence be given to the following General Business on Wednesday, 17 September 2014:

- (1) the notice of motion given this day by Mr Lenders in relation to TAFE enrolment and unemployment rates;
- (2) the notice of motion given this day by Mr Lenders in relation to federal education funding;
- (3) Notice of Motion No. 796 standing in the name of Ms Pennicuik to introduce the Prevention of Cruelty to Animals Amendment (Domestic Fowl and Pigs) and Food Amendment (Free-range Eggs) Bill 2014;
- (4) Notice of Motion No. 832 standing in the name of Ms Hartland in relation to WorkCover claims for firefighters; and
- (5) Order of the Day No. 11, motion noting the petition tabled on 5 August 2014 relating to steeplechase and hurdle racing in Victoria.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 836, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**11 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue 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 with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

**12 JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014 —**

Debate resumed on the question, That the Bill be now read a second time.

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

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 36

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza (*Teller*)  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

**13 TRANSFER OF LAND AMENDMENT BILL 2014** — 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.

**14 SENTENCING AMENDMENT (EMERGENCY WORKERS) BILL 2014** — 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, 36

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland (*Teller*)

Ms Crozier

Ms Pennicuik

Mr Dalla-Riva

Ms Darveniza

Mr Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg (*Teller*)

Mr Leane

Mr Lenders

Ms Lewis (*Teller*)

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

Bill read a second time.

Mr O'Donohue moved, by leave, 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  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Ms Darveniza  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay (*Teller*)  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

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

**15 JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL**

**2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Criminal Organisations Control and Other Acts Amendment Act 2014, the Judicial Proceedings Reports Act 1958, the Juries Act 2000, the Personal Safety Intervention Orders Act 2010, the Road Safety Camera Commissioner Act 2011, the Sentencing Act 1991, the Summary Offences Act 1966 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Davis (for Mr O'Donohue), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**16 CEMETERIES AND CREMATORIA AMENDMENT BILL 2014** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, by leave, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for two weeks.

**17 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.29 p.m., adjourned until tomorrow

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 193 — Wednesday, 17 September 2014

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**DEPARTMENTS OF THE LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES** —

Mr Elasmr moved, by leave, That there be laid before this House a copy of the Departments of the Legislative Council and Parliamentary Services Reports, 2013-14.

Question — put and agreed to.

The Reports were presented by Mr Elasmr and ordered to lie on the Table.

\* \* \* \* \*

**POLICE REGISTRATION AND SERVICES BOARD** — Mr Guy moved, by leave, That there be laid before this House a copy of the Police Registration And Services Board Report, 2013-14.

Question — put and agreed to.

The report was presented by Mr Guy and ordered to lie on the Table.

\* \* \* \* \*

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — SOCIAL INCLUSION AND VICTORIANS WITH DISABILITY** — Mrs Coote presented a Report from the Family and Community Development Committee on Social Inclusion and Victorians with Disability (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mrs Coote moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2014-15 BUDGET ESTIMATES, PART TWO** — Mr David O'Brien presented a Report from the Public Accounts and Estimates Committee on the 2014-15 Budget Estimates, Part Two (including Appendices).

Ordered to lie on the Table and the Report to be printed.

Mr David O'Brien moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

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

Agriculture Victoria Services Pty Ltd — Report, 2013-14.  
 Auditor-General's reports on —  
     Effectiveness of Catchment Management Authorities, September 2014.  
     Management and Oversight of the Caulfield Racecourse Reserve, September 2014.  
 Australian Grand Prix Corporation — Report, 2013-14.  
 Ballarat General Cemeteries Trust — Minister's report of receipt of 2013-14 report.  
 Bendigo Cemeteries Trust — Minister's report of receipt of 2013-14 report.  
 Casterton Memorial Hospital — Report, 2013-14.  
 Dairy Food Safety Victoria — Minister's report of receipt of 2013-14 report.  
 Emerald Tourist Railway Board — Report, 2013-14.  
 Emergency Services Superannuation Board — Report, 2013-14.  
 Environment Protection Authority — Report, 2013-14.  
 Greater Metropolitan Cemeteries Trust — Report, 2013-14.  
 Health Services Commissioner's Office — Report, 2013-14.  
 Linking Melbourne Authority — Report, 2013-14.  
 Lorne Community Hospital — Report, 2013-14.  
 Melbourne Convention and Exhibition Trust — Report, 2013-14.  
 Mildura Cemetery Trust — Minister's report of receipt of 2013-14 report.  
 Murray Valley Citrus Board — Minister's report of receipt of 2013-14 report.  
 Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2013-14 report.  
 Otway Health and Community Services — Report, 2013-14.  
 Parliamentary Committees Act 2003 — Government Response to the Electoral Matters Committee's Report on the Future of Victoria's Electoral Administration.  
 Phytogene Pty Ltd — Minister's report of receipt of 2013-14 report.  
 PrimeSafe — Minister's report of receipt of 2013-14 report.  
 Public Transport Development Authority — Report, 2013-14.  
 Queen Victoria Women's Centre Trust — Minister's report of receipt of 2013-14 report.  
 South Gippsland Hospital — Report, 2013-14.  
 Southern Metropolitan Cemeteries Trust — Report, 2013-14.  
 Taxi Services Commission — Report, 2013-14.  
 Timboon and District Healthcare Service — Report, 2013-14.  
 Transport Accident Commission — Report, 2013-14.  
 V/Line Corporation — Report, 2013-14.  
 V/Line Pty Ltd — Report, 2013-14.  
 VicForests — Report, 2013-14.  
 Victorian Environmental Assessment Council Act 2001 — Terms of Reference for a Statewide Assessment of Public Land in Victoria.  
 Victorian Government Purchasing Board — Report, 2013-14.  
 Victorian Rail Track — Report, 2013-14.  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2013-14 report.  
 Yea and District Memorial Hospital — Report, 2013-14.

- 3 PRODUCTION OF DOCUMENTS — AMBULANCE RESPONSE TIMES** — The Acting Clerk laid on the Table a letter from the Minister for Health dated 15 September 2014 in response to the Resolution of the Council of 3 September 2014 seeking the production of documents relating to ambulance response times, advising that the resolution is still being processed.  
 On the motion of Mr Leane (for Mr Jennings), the letter was ordered to be taken into consideration on the next day of meeting.
- 4 MEMBERS STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.
- 5 TAFE ENROLMENT AND UNEMPLOYMENT RATES** — Mr Lenders moved, That this House notes —  
 (1) in 2013, 18,300 less students completed a TAFE course than in 2012;

- (2) in 2014, there are 45,000 less students enrolled in government subsidised training than in 2012;
- (3) unemployment in Victoria has now reached 7 per cent, its highest level for 13 years;
- (4) the number of students enrolled in government subsidised training has fallen in every region of the State from 2012 to 2014, including by —
  - (a) 25 per cent in Barwon South West;
  - (b) 15 per cent in Grampians;
  - (c) 26 per cent in Loddon Mallee;
  - (d) 12 per cent in Hume;
  - (e) 22 per cent in Gippsland;
  - (f) 21 per cent in Eastern Metropolitan;
  - (g) 2 per cent in Western Metropolitan;
  - (h) 12 per cent in Southern Metropolitan; and
  - (i) 4 per cent in Northern Metropolitan;
- (5) unemployment rates have reached heights not seen for many years across the State, including —
  - (a) 7.3 per cent in Greater Melbourne in February 2014, the highest peak since January 2002;
  - (b) 6.9 per cent in the rest of Victoria in July 2014, the highest peak in over 5 years; and
  - (c) 10.5 per cent in Geelong in July 2014, the highest peak since August 1999;
- (6) the number of students aged 15 to 19 years in government subsidised training dropped by 27 per cent from 2012 to 2014;
- (7) youth unemployment among 15 to 24 year olds in Victoria peaked at 16 per cent in February 2014, higher than at any period under the Bracks or Brumby Governments; and
- (8) the Federal Government plans to remove 457 visa workers protections, such as the English language test, to increase the number of foreign workers filling skilled jobs.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**7 TAFE ENROLMENT AND UNEMPLOYMENT RATES** — Debate continued on the question, That this House notes —

- (1) in 2013, 18,300 less students completed a TAFE course than in 2012;
- (2) in 2014, there are 45,000 less students enrolled in government subsidised training than in 2012;
- (3) unemployment in Victoria has now reached 7 per cent, its highest level for 13 years;
- (4) the number of students enrolled in government subsidised training has fallen in every region of the State from 2012 to 2014, including by —
  - (a) 25 per cent in Barwon South West;
  - (b) 15 per cent in Grampians;
  - (c) 26 per cent in Loddon Mallee;
  - (d) 12 per cent in Hume;
  - (e) 22 per cent in Gippsland;
  - (f) 21 per cent in Eastern Metropolitan;
  - (g) 2 per cent in Western Metropolitan;
  - (h) 12 per cent in Southern Metropolitan; and
  - (i) 4 per cent in Northern Metropolitan;
- (5) unemployment rates have reached heights not seen for many years across the State, including —
  - (a) 7.3 per cent in Greater Melbourne in February 2014, the highest peak since January 2002;
  - (b) 6.9 per cent in the rest of Victoria in July 2014, the highest peak in over 5 years; and
  - (c) 10.5 per cent in Geelong in July 2014, the highest peak since August 1999;
- (6) the number of students aged 15 to 19 years in government subsidised training dropped by 27 per cent from 2012 to 2014;

- (7) youth unemployment among 15 to 24 year olds in Victoria peaked at 16 per cent in February 2014, higher than at any period under the Bracks or Brumby Governments; and
- (8) the Federal Government plans to remove 457 visa workers protections, such as the English language test, to increase the number of foreign workers filling skilled jobs.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 17	NOES, 19
Mr Barber	Mrs Coote
Mr Eideh	Ms Crozier ( <i>Teller</i> )
Mr Elasmar	Mr Dalla-Riva
Mr Jennings ( <i>Teller</i> )	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders	Mr Finn
Ms Lewis	Mr Koch
Mr Melhem ( <i>Teller</i> )	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds ( <i>Teller</i> )

Question negatived.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 840, be postponed until later this day.

- 9 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (DOMESTIC FOWL AND PIGS) AND FOOD AMENDMENT (FREE-RANGE EGGS) BILL 2014** — Ms Pennicuik, pursuant to notice, introduced *A Bill for an Act to amend the Prevention of Cruelty to Animals Act 1986 to insert offences relating to domestic fowl and pigs and to amend the Food Act 1984 to require that eggs for sale can only be labelled as free-range if produced by domestic fowl that are kept in accordance with certain requirements and for other purposes.*

On the motion of Ms Pennicuik, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ms Pennicuik laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

On the motion of Mr Ramsay, the debate was adjourned for two weeks.

- 10 FIREFIGHTERS WORK RELATED CANCER** — Ms Hartland moved, That this House —

- (1) acknowledges —
- the Volunteer Fire Brigades Victoria's brief to members, dated 12 June 2014, which outlines how the Firefighters Assessment Panel and the Firefighters Advisory Service have failed firefighters, and the issues that need to be addressed;
  - the Firefighters Assessment Panel has failed to increase the number of successful WorkCover claims by firefighters for work related cancer;
  - the creation of the Firefighters Assessment Panel only serves to add another administrative layer to the application process and is procedurally unfair, rather than facilitating prompt, compassionate and fair assessments, as were the Government's stated intentions at the time it was announced;

- (d) that the Firefighters Advisory Service does not help firefighters understand the claims process and has in some cases been a hindrance; and
  - (e) that the need remains to reverse the onus of proof in the determination of cancer related compensation claims by firefighters, as has been done for federal firefighters, to increase the number of successful claims for those who have contracted cancer scientifically linked to firefighting; and
- (2) condemns the Coalition Government for blocking progress on legislation to address this issue;

and calls on all parties to commit to introducing legislation, within the first six months of the 58<sup>th</sup> Parliament, to reverse the onus of proof for firefighters' cancer related WorkCover compensation claims, should they be elected to Government at the November election.

Debate ensued.

Ms Pulford moved as an amendment, That in the line following paragraph (2), omit "six months" and insert "18 months".

Debate ensued.

Question — That the amendment moved by Ms Pulford be agreed to — put.

The Council divided — The President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury (*Teller*)  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney

Mr Barber (*Teller*)  
Ms Hartland  
Ms Pennicuik (*Teller*)

Amendment agreed to.

Question — That this House —

- (1) acknowledges —
- (a) the Volunteer Fire Brigades Victoria's brief to members, dated 12 June 2014, which outlines how the Firefighters Assessment Panel and the Firefighters Advisory Service have failed firefighters, and the issues that need to be addressed;
  - (b) the Firefighters Assessment Panel has failed to increase the number of successful WorkCover claims by firefighters for work related cancer;
  - (c) the creation of the Firefighters Assessment Panel only serves to add another administrative layer to the application process and is procedurally unfair, rather than facilitating prompt, compassionate and fair assessments, as were the Government's stated intentions at the time it was announced;
  - (d) that the Firefighters Advisory Service does not help firefighters understand the claims process and has in some cases been a hindrance; and
  - (e) that the need remains to reverse the onus of proof in the determination of cancer related compensation claims by firefighters, as has been done for federal firefighters, to increase the number of successful claims for those who have contracted cancer scientifically linked to firefighting; and
- (2) condemns the Coalition Government for blocking progress on legislation to address this issue;

and calls on all parties to commit to introducing legislation, within the first 18 months of the 58<sup>th</sup> Parliament, to reverse the onus of proof for firefighters' cancer related WorkCover compensation claims, should they be elected to Government at the November election — put.

The Council divided — The President in the Chair.

AYES, 17	NOES, 19
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Mr Eideh	Mrs Coote
Mr Elasmarr	Ms Crozier
Mr Jennings	Mr Dalla-Riva ( <i>Teller</i> )
Ms Hartland	Mr Davis
Mr Leane	Mr Drum
Mr Lenders	Mr Elsbury
Ms Lewis ( <i>Teller</i> )	Mr Guy
Mr Melhem	Mr Koch
Ms Mikakos	Mrs Kronberg
Ms Pennicuik	Ms Lovell
Ms Pulford	Mrs Millar
Mr Scheffer	Mr Danny O'Brien
Mr Somyurek	Mr David O'Brien
Mr Tarlamis	Mr O'Donohue
Mr Tee	Mr Ondarchie ( <i>Teller</i> )
Ms Tierney	Mrs Peulich
	Mr Ramsay
	Mr Rich-Phillips

Question negatived.

- 11 JUMPS RACING — PETITION** — Debate resumed on the question, That this House takes note of the Petition bearing 532 signatures tabled in the House on 5 August 2014 from certain citizens of Victoria requesting that the Legislative Council of Victoria call on the Minister for Racing to intervene and end steeplechase and hurdle racing in Victoria.

*Business having been interrupted at 5.30 p.m. pursuant to Sessional Orders, debate stood adjourned in the name of Mr Ondarchie —*

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 DRUGS, POISONS AND CONTROLLED SUBSTANCES FURTHER AMENDMENT BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to certain*

*licences, to make other miscellaneous and consequential amendments and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 836 be postponed until later this day.

**15 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014** — Mr Davis, pursuant to notice, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to clinical trials, to make other miscellaneous and consequential amendments and for other purposes.*

On the motion of Mr Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, by leave, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 839 to 845, be postponed until later this day.

**17 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014** — Mr Davis, pursuant to notice, introduced *A Bill for an Act to amend the Sentencing Act 1991 to establish a scheme under which convictions for certain offences related to conduct engaged in for the purposes of, or in connection with, sexual activity of a homosexual nature may be expunged, to make consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.*

On the motion of Mr Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, by leave, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Ms Pulford), the debate was adjourned for two weeks.

**18 JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014** — Mr Davis (for Mr O'Donohue) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

**19 ADJOURNMENT** — Mr Davis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

## No. 194 — Thursday, 18 September 2014

1 The President took the Chair and read the Prayer.

2 **CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 in relation to sexual offences, to amend the Criminal Procedure Act 2009 to remove time limits on commencing proceedings for certain former sexual offences and to provide for a course of conduct charge, to amend the Summary Offences Act 1966, the Sentencing Act 1991, the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, the Working with Children Act 2005 and the Jury Directions Act 2013, to make minor amendments to certain Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

3 **PETITIONS** —

**FLAGSTAFF TRAIN STATION** — Mr Barber presented a Petition bearing 189 signatures from certain citizens of Victoria requesting that the operating hours for Flagstaff Train Station be extended to include weekend operations.

Ordered to lie on the Table.

\* \* \* \* \*

**RETIREMENT VILLAGES – AMENDMENTS TO LOCAL GOVERNMENT ACT 1989** — Mr Ronalds presented a Petition bearing 30 signatures from certain citizens of Victoria requesting that the Legislative Council amend section 161 of the *Local Government Act 1989* to provide for fair Differential Rates to retirement village land.

Ordered to lie on the Table.

\* \* \* \* \*

**CAR REGISTRATION FEE INCREASES** — Ms Tierney presented a Petition bearing 175 signatures from certain citizens of Victoria requesting that the Legislative Council condemn the Napthine Government for its decision to further increase car registration fees.

Ordered to lie on the Table.

\* \* \* \* \*

**TAFE FUNDING** — Ms Tierney presented a Petition bearing 66 signatures from certain citizens of Victoria requesting that the Government reinstate TAFE funding including fully funding TAFE institutes' community services obligations.

Ordered to lie on the Table.

\* \* \* \* \*

**EMERGENCY SERVICES FUNDING** — Ms Tierney presented a Petition bearing 94 signatures from certain citizens of Victoria requesting that the Legislative Council take steps to improve the funding of emergency services and to provide better pay and conditions to emergency services personnel.

Ordered to lie on the Table.

**ROAD MAINTENANCE IN RURAL AND REGIONAL VICTORIA** — Ms Tierney presented a Petition bearing 103 signatures from certain citizens of Victoria requesting that the Legislative Council urges the Coalition Government to immediately reinstate all funding and resources cut from roads maintenance in rural and regional Victoria and guarantee that no further cuts will be made.

Ordered to lie on the Table.

#### 4 PAPERS —

**VICTORIA LAW FOUNDATION REPORT, 2013-14** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2013-14.

Question — put and agreed to.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

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

- Accident Compensation Conciliation Service — Report, 2013-14.
- Adult, Community and Further Education Board — Report, 2013-14.
- Alpine Health — Report, 2013-14.
- Australian Centre for the Moving Image — Report, 2013-14.
- Barwon Region Water Corporation — Report, 2013-14.
- Beaufort and Skipton Health Service — Report, 2013-14.
- Calvary Health Care Bethlehem Ltd — Report, 2013-14.
- CenITex — Report, 2013-14.
- Central Gippsland Region Water Corporation — Report, 2013-14.
- Central Highlands Region Water Corporation — Report, 2013-14.
- City West Water Corporation — Report, 2013-14.
- Cobram District Hospital — Report, 2013-14.
- Coliban Region Water Corporation — Report, 2013-14.
- Commission for Children and Young People — Report, 2013-14.
- Community Visitors — Report, 2013-14.
- Dental Health Services Victoria — Report, 2013-14.
- Dunmunkle Health Services — Report, 2013-14.
- East Gippsland Region Water Corporation — Report, 2013-14.
- Edenhope and District Memorial Hospital — Report, 2013-14.
- Emergency Services Telecommunications Authority — Report, 2013-14.
- Environment and Primary Industries Department — Report, 2013-14.
- Geelong Cemeteries Trust — Report, 2013-14.
- Geelong Performing Arts Centre Trust — Report, 2013-14.
- Geoffrey Gardiner Dairy Foundation Ltd — Report, 2013-14.
- Gippsland and Southern Rural Water Corporation — Report, 2013-14.
- Glenelg Hopkins Catchment Management Authority — Report, 2013-14.
- Goulburn Broken Catchment Management Authority — Report, 2013-14.
- Goulburn Murray Rural Water Corporation — Report, 2013-14.
- Goulburn Valley Region Water Corporation — Report, 2013-14.
- Grampians Wimmera Mallee Water Corporation — Report, 2013-14.
- Hesse Rural Health Service — Report, 2013-14.
- Human Services Department — Report, 2013-14.
- Inglewood and Districts Health Service — Report, 2013-14.
- Judicial College of Victoria — Report, 2013-14.
- Library Board of Victoria — Report, 2013-14.
- Lower Murray Urban and Rural Water Corporation — Report, 2013-14.
- Maldon Hospital — Minister's report of receipt of 2013-14 report.
- Mansfield District Hospital — Report, 2013-14.
- Melbourne Market Authority — Report, 2013-14.
- Melbourne Recital Centre Ltd — Report, 2013-14.

- Melbourne Water Corporation — Report, 2013-14.
- Metropolitan Waste Management Group — Report, 2013-14.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2013-14 report.
- Museums Board of Victoria — Report, 2013-14.
- National Gallery of Victoria, Council of Trustees — Report, 2013-14.
- National Parks Act 1975 — Report on the working of the Act, 2013-14.
- North Central Catchment Management Authority — Report, 2013-14.
- North East Catchment Management Authority — Report, 2013-14.
- North East Region Water Corporation — Report, 2013-14.
- Numurkah District Health Service — Report, 2013-14.
- Omeo District Health — Report, 2013-14.
- Orbost Regional Health — Report, 2013-14.
- Parliamentary Committees Act 2003 — Government Response to Public Accounts and Estimates Committee's Review of the Performance Measurement and Reporting System.
- Port of Hastings Development Authority — Report, 2013-14.
- Port of Melbourne Corporation — Report, 2013-14.
- Premier and Cabinet Department — Report, 2013-14.
- Public Record Office Victoria — Report, 2013-14.
- Regional Development Victoria — Report, 2013-14.
- Rochester and Elmore District Health Service — Report, 2013-14.
- Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2013-14.
- Rolling Stock (Victoria – VL) Pty Ltd — Report, 2013-14.
- Rolling Stock (VL - 1) Pty Ltd — Report, 2013-14.
- Rolling Stock (VL - 2) Pty Ltd — Report, 2013-14.
- Rolling Stock (VL - 3) Pty Ltd — Report, 2013-14.
- Rural Finance Corporation — Report, 2013-14.
- Rural Northwest Health — Report, 2013-14.
- Sentencing Advisory Council — Report, 2013-14.
- Seymour District Memorial Hospital — Report, 2013-14.
- South East Water Corporation — Report, 2013-14.
- South Gippsland Region Water Corporation — Report, 2013-14.
- State Electricity Commission of Victoria — Report, 2013-14.
- Statutory Rule under the Magistrates' Court Act 1989 — No. 121.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule No. 122.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Minister's Order of 12 September 2014 under the Food Act 1984.
    - Minister's Order of 12 September 2014 exempting small egg producers from requirement for marking of eggs under the Food Standards Code under the Food Act 1984.
    - Minister's Order of 15 September 2014 for the exemption for retail sale or catering – eggs from small producers under the Food Act 1984.
- Tallangatta Health Service — Report, 2013-14.
- Terang and Mortlake Health Service — Report, 2013-14.
- Tourism Victoria — Report, 2013-14.
- Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2013-14 report.
- Victoria Legal Aid — Report, 2013-14.
- Victorian Arts Centre Trust — Report, 2013-14.
- Victorian Broiler Industry Negotiation Committee — Report, 2013-14.
- Victorian Catchment Management Council — Report, 2013-14.
- Victorian Civil and Administrative Tribunal — Report, 2013-14.
- Victorian Funds Management Corporation — Report, 2013-14.
- Victorian Institute of Forensic Mental Health — Report, 2013-14.

Victorian Law Reform Commission — Report, 2013-14.  
Victorian Managed Insurance Authority — Report, 2013-14.  
Victorian Privacy Commissioner's Office — Report, 2013-14.  
Victorian Public Sector Commission — Report, 2013-14.  
Victorian Regional Channels Authority — Report, 2013-14.  
Victorian WorkCover Authority — Report, 2013-14.  
Wannon Region Water Corporation — Report, 2013-14.  
West Wimmera Health Service — Report, 2013-14.  
Western Region Water Corporation — Report, 2013-14.  
Westernport Region Water Corporation — Report, 2013-14.  
Yarra Valley Water Corporation — Report, 2013-14.  
Yarrawonga District Health Service — Report, 2013-14.  
Young Farmers' Finance Council — Report, 2013-14.

**5 SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Mr Davis moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to enable —

- (1) the sitting of the Council on Tuesday, 14 October 2014, to commence at 12.00 p.m. and that the order of business on that day will be —
  - (a) Messages;
  - (b) Formal business;
  - (c) Members' statements (up to 15 Members);
  - (d) Government Business;
  - (e) At 2.00 p.m. Questions;
  - (f) Answers to Questions on Notice;
  - (g) Government Business (continues); and
  - (h) Adjournment (up to 20 Members).
- (2) the order of business for the sitting of the Council on Wednesday, 15 October 2014 will be —
  - (a) At 6.30 p.m. Dinner suspension;
  - (b) At 8.00 p.m. Government Business to take precedence; and
  - (c) Adjournment (up to 20 Members).
- (3) in the absence of a report of the Procedure Committee under Standing Order 5.08, precedence be given to debate on a motion to vary or adopt Standing Orders on Thursday, 16 October 2014.

Debate ensued.

Question — put and agreed to.

**6 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 14 October 2014.

Question — put and agreed to.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 205 to 843 be postponed until later this day.

**9 INQUIRIES BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Pennicuik moved, That the Inquiries Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 14 October 2014.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

## AYES, 18

Mr Barber  
 Ms Darveniza  
 Mr Eideh  
 Mr Elasmarr (*Teller*)  
 Mr Jennings  
 Ms Hartland  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Mr Melhem  
 Ms Mikakos  
 Ms Pennicuik (*Teller*)  
 Ms Pulford  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

## NOES, 20

Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Koch  
 Mrs Kronberg  
 Ms Lovell (*Teller*)  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds

Question negatived.

Mr Davis moved, by leave, That the Bill be now read a third time.

Question — put and agreed to.

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

**10 RESOURCES LEGISLATION AMENDMENT (BTEX PROHIBITION AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**12 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Casino (Management Agreement) Act 1993 and the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr O'Donohue, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr O'Donohue, the second reading speech was incorporated into Hansard.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

**13 PETITIONS** —

**BUS TIMETABLE FOR THE GREAT OCEAN ROAD** — Mr Koch, by leave, presented a Petition bearing 99 signatures from certain citizens of Victoria requesting that the Government introduce a new bus service travelling to and from Lorne and Torquay on Saturdays and Sundays.

Ordered to lie on the Table.

\* \* \* \* \*

**CAR REGISTRATION FEE INCREASES** — Ms Pulford, by leave, presented a Petition bearing 83 signatures from certain citizens of Victoria requesting that the Legislative Council condemns the Napthine Government for its decision to further increase car registration fees.

Ordered to lie on the Table.

**14 RESOURCES LEGISLATION AMENDMENT (BTEX PROHIBITION AND OTHER MATTERS) BILL 2014** — 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 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 SENTENCING AMENDMENT (COWARD'S PUNCH MANSLAUGHTER AND OTHER MATTERS) BILL 2014** — 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, 33

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland

Ms Crozier

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Mr Davis

Mr Drum

Mr Eideh (*Teller*)

Mr Elasmar

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Ms Lewis

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien (*Teller*)

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Ms Tierney

Question agreed to.

Bill read a second time.

Mr Drum moved, by leave, 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, 35

Mr Atkinson  
 Mrs Coote  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Elsbury  
 Mr Finn  
 Mr Guy  
 Mr Jennings  
 Mr Koch  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar (*Teller*)  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee (*Teller*)  
 Ms Tierney

NOES, 3

Mr Barber (*Teller*)  
 Ms Hartland  
 Ms Pennicuik (*Teller*)

Question agreed to.

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

**16 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2014** — 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 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.

**17 EMERGENCY MANAGEMENT AMENDMENT (CRITICAL INFRASTRUCTURE RESILIENCE) BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Management Act 2013 to provide for emergency risk management arrangements for critical infrastructure resilience and to consequentially*

*amend the Freedom of Information Act 1982 and the Terrorism (Community Protection) Act 2003 and for other purposes and requesting the agreement of the Council.*

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

Mr Drum laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Drum, the second reading speech was incorporated into Hansard.

Mr Drum moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for one week.

- 18 IMPROVING CANCER OUTCOMES BILL 2014** — The President read a Message from the Assembly presenting *A Bill for an Act to articulate the role and functions of the Secretary to the Department of Health with respect to cancer, to establish a framework for the collection, management, use and disclosure of information relating to cancer, to require the preparation of a plan providing a strategic policy framework for cancer in Victoria, to provide for the registration of the Anti-Cancer Council of Victoria as a company limited by guarantee under the Corporations Act and to repeal the Cancer Act 1958 and for other purposes and requesting the agreement of the Council.*

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

Mr Drum laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Drum, the second reading speech was incorporated into Hansard.

Mr Drum moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Jennings), the debate was adjourned for one week.

- 19 CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014** — Mr Drum (for Mr O'Donohue) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Drum, the second reading speech was incorporated into Hansard.

Mr Drum moved, That the Bill be now read a second time.

On the motion of Ms Mikakos, the debate was adjourned for one week.

- 20 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014 — HANSARD RECORD EXPUNGED** — Mr Davis moved, by leave, That —

(1) The second reading speech be incorporated into Hansard; and

(2) The second reading speech incorporated on 17 September 2014 be expunged from Hansard.

Question — put and agreed to.

- 21 ADJOURNMENT** — Mr Drum moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.04 p.m., adjourned until Tuesday, 14 October 2014.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 192, 193 and 194

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**Tuesday, 16 September 2014**

### 1 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved —

1. Clause 3, lines 11 to 13, omit all words and expressions on these lines and insert—

*'working day*, in relation to a court, means a day other than a Saturday, a Sunday or a day appointed as a public holiday under the **Public Holidays Act 1993**.".'

Question — That the amendment be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 7** — put and agreed to.

**Clause 8** — Mr O'Donohue moved —

2. Clause 8, line 25, omit "may" and insert "must".

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved —

3. Clause 8, lines 26 to 28, omit all words and expressions on these lines and insert—

"(a) whether there is a history of family violence;

(b) the existence of recognised family violence risk factors;"

4. Clause 8, line 29, omit "(b)" and insert "(c)".

6. Clause 8, page 6, line 9, omit "(c)" and insert "(d)".

Question — That the amendments be agreed to — put and agreed to.

Mr O'Donohue moved —

5. Clause 8, page 6, after line 8 insert—

"3 Criminal proceedings."

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved —

7. Clause 8, page 6, line 13, omit "condition." and insert "condition;"

8. Clause 8, page 6, after line 13 insert—

"( ) whether the affected family member has obtained legal advice;

( ) whether the giving or service of the interim order and the giving of the explanation of the interim order under section 57(1) will enable the particular affected family member and respondent to sufficiently understand the matters set out in section 57(1);

( ) the existence of factors making it desirable that the particular respondent attend a hearing for the final order."

Question — That the amendments be agreed to — put and agreed to.

Clause 8, as amended — put and agreed to.

**Clauses 9 to 28** — put and agreed to.

**Bill reported with amendments.****2 JUSTICE LEGISLATION (SUCCESSION AND SURROGACY) AMENDMENT BILL 2014**

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Pennicuik moved —

1. Clause 3, lines 10 to 31, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien (*Teller*)  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney (*Teller*)

Amendment negatived.

Ms Pennicuik moved —

3. Clause 3, page 4, lines 6 to 7, omit "deceased who, at the time of the deceased's death, was—" and insert "deceased;".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford (*Teller*)  
Mr Ramsay (*Teller*)  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Ms Tierney

Amendment negatived.

Ms Pennicuik moved —

15. Clause 3, page 5, lines 32 to 34, omit "and would have been likely in the near future, had the deceased not died, to again become".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 36

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy

Mr Jennings  
 Mr Koch (*Teller*)  
 Mrs Kronberg  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Amendment negated.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved —

1. Clause 5, lines 31 to 33, omit "and has not entered into a release of rights agreement under section 99B".

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved —

2. Clause 5, page 7, line 2, omit "(f)" and insert "(h)".
6. Clause 5, page 8, line 7, omit "(f)" and insert "(h)".
7. Clause 5, page 8, line 21, omit "(f)" and insert "(h)".

Question — That the amendments be agreed to — put and agreed to.

Mr O'Donohue moved —

3. Clause 5, page 7, lines 6 to 7, omit "at the time of the deceased's death".

Question — That the amendment be agreed to — put and agreed to.

Mr O'Donohue moved —

4. Clause 5, page 8, after line 5 insert—

"(c) in the case of an eligible person referred to in paragraph (f) or (g) of the definition of **eligible person**, the degree to which the eligible person is not capable, by reasonable means, of providing adequately for the eligible person's proper maintenance and support; and".

5. Clause 5, page 8, line 6, omit "(c)" and insert "(d)".

Question — That the amendments be agreed to — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clauses 6 to 9** — put and agreed to.

**Clause 10** — put and negatived.

**Clauses 11 to 26** — put and agreed to.

**Clause 27** — Mr O'Donohue moved —

9. Clause 27, lines 26 to 33, omit all words and expressions on these lines and insert—

"The amendments made to Part IV of this Act by Part 2 of the **Justice Legislation Amendment (Succession and Surrogacy) Act 2014** apply in respect of the estate of any person who dies on or after the commencement of Part 2 of that Act."

Question — That the amendment be agreed to — put and agreed to.

Clause 27, as amended — put and agreed to.

**Clauses 28 to 52** — put and agreed to.

**Bill reported with amendments.**

## Thursday, 18 September 2014

### 1 RESOURCES LEGISLATION AMENDMENT (BTEX PROHIBITION AND OTHER MATTERS) BILL 2014

**Clauses 1 to 30** — put and agreed to.

**Clause 31** — Question — That clause 31 stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 35

NOES, 3

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva (*Teller*)  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay

Mr Barber  
Ms Hartland (*Teller*)  
Ms Pennicuik (*Teller*)

Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer  
 Mr Somyurek  
 Mr Tarlamis  
 Ms Tierney (*Teller*)

Question agreed to.

**Clauses 32 to 102** — put and agreed to.

**Bill reported without amendment.**

## 2 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2014

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved —

1. Clause 2, line 6, omit "38" and insert "39".

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

<p>AYES, 16</p> <p>Mr Barber            Mr Eideh            Mr Elasmarr            Mr Jennings            Ms Hartland (<i>Teller</i>)            Mr Leane            Mr Lenders            Ms Lewis            Mr Melhem            Ms Mikakos            Ms Pennicuik            Ms Pulford            Mr Scheffer            Mr Somyurek (<i>Teller</i>)            Mr Tarlamis            Mr Tee</p>	<p>NOES, 18</p> <p>Mrs Coote            Ms Crozier            Mr Dalla-Riva            Mr Davis            Mr Drum            Mr Finn            Mr Guy            Mr Koch            Mrs Kronberg            Ms Lovell            Mrs Millar            Mr Danny O'Brien (<i>Teller</i>)            Mr David O'Brien            Mr O'Donohue            Mr Ondarchie            Mr Ramsay (<i>Teller</i>)            Mr Rich-Phillips            Mr Ronalds</p>
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Amendment negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 48** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 195, 196 and 197

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#### No. 195 — Tuesday, 14 October 2014

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - On 23 September 2014 —
    - Inquiries Act 2014*
    - Resources Legislation Amendment (BTEX Prohibition and Other Matters) Act 2014*
    - Sentencing Amendment (Emergency Workers) Act 2014*
    - Transfer of Land Amendment Act 2014*
  - On 30 September 2014 —
    - Primary Industries Legislation Amendment Act 2014*
    - Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Act 2014.*

- 3 **PETITIONS** —

**RETIREMENT VILLAGES – AMENDMENTS TO LOCAL GOVERNMENT ACT 1989** — Mr O'Donohue presented a Petition bearing 8,349 signatures from certain citizens of Victoria requesting that the Legislative Council amend section 161 of the Local Government Act 1989 to provide for fair Differential Rates to retirement village land.

Ordered to lie on the Table.

\* \* \* \* \*

**QUEEN VICTORIA MARKET** — Mr Tee presented a Petition bearing 1,747 signatures from certain citizens of Victoria requesting that the Premier withdraw his support for the redevelopment of the Queen Victoria Market until there has been proper consultation with the affected traders and the community and until an independent review has been undertaken considering the impact on the livelihood of traders, the heritage value and the ongoing viability of the Queen Victoria Market.

Ordered to lie on the Table.

\* \* \* \* \*

**OPEN CUT MINE IN STAWELL** — Mr Barber presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council note a petition of over 600 signatures tabled in the Legislative Assembly on the detrimental impacts of the proposed open cut mine to the Stawell community.

Ordered to lie on the Table.

On the motion of Mr Barber, the petition was ordered to be taken into consideration on the next day of meeting.

**EAST-WEST LINK** — Mr Barber presented a Petition bearing 3,123 signatures from certain citizens of Victoria requesting that Members of the Legislative Council oppose the East-West link project and support sustainable transport solutions.

Ordered to lie on the Table.

#### 4 PAPERS —

**MAGISTRATES' COURT REPORT, 2013-14** — Mr O'Donohue presented, by command of the Governor, the Magistrates' Court Report, 2013-14.

The Report was presented by Mr O'Donohue and ordered to lie on the Table.

\* \* \* \* \*

**HAZELWOOD COAL MINE FIRE INQUIRY — VICTORIAN GOVERNMENT IMPLEMENTATION AND MONITORING PLAN** — Mr Drum moved, by leave, That there be laid before this House a copy of the Hazelwood Coal Mine Fire Inquiry — Victorian Government Implementation and Monitoring Plan.

Question — put and agreed to.

The Report was presented by Mr Drum and ordered to lie on the Table and to be printed.

\* \* \* \* \*

**OFFICE OF THE PUBLIC ADVOCATE REPORT, 2013-14** — Mr O'Donohue moved, by leave, That there be laid before this House a copy of the Office of Public Advocate Report, 2013-14.

Question — put and agreed to.

The Report was presented by Mr O'Donohue and ordered to lie on the Table and to be printed.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2014 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be printed.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE — COMMUNITY PHARMACY IN VICTORIA** — Ms Crozier presented a Report from the Legal and Social Issues Legislation Committee on Community Pharmacy in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Crozier moved, That the Council take note of the Report.

Debate ensued.

Question put and agreed to.

\* \* \* \* \*

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

Agricultural Industry Development Act 1990 —

Greater Sunraysia Pest Free Area Industry Development Order 2014, pursuant to section 8(3) of the Act.

Victorian Strawberry Industry Development Order 2014, pursuant to section 8(3) of the Act.

Auditor-General's Reports on —

Emergency Response ICT Systems, October 2014 (*Ordered to be printed*).

Heatwave Management: Reducing the Risk to Public Health, October 2014 (*Ordered to be printed*).

Boort District Health — Report, 2013-14.

Confiscation Act 1997 —

Asset Confiscation Operations, Report to the Attorney-General, 2013-14.

Report from the Chief Commissioner of Police pursuant to section 139A of the Act, 2013-14.

- Corangamite Catchment Management Authority — Report, 2013-14.
- Coroners Court of Victoria — Report, 2013-14.
- Coronial Council of Victoria — Report, 2013-14.
- Crown Land (Reserves) Act 1978 —
- Minister's Order of 17 September 2014 giving approval to the granting of a lease at Ballarat Botanic and Public Gardens Reserve.
  - Minister's Order of 29 September 2014 giving approval to the granting of a lease at Wye River Foreshore Reserve.
- Duties Act 2000 —
- Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2013-14.
  - Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2013-14.
- East Gippsland Catchment Management Authority — Report, 2013-14.
- Fed Square Pty Ltd — Report, 2013-14.
- Health Purchasing Victoria — Report, 2013-14.
- Heavy Vehicle National Law Application Act 2013 — Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation pursuant to section 6 of the Act.
- Hepburn Health Service — Report, 2013-14.
- Heritage Council of Victoria — Minister's report of receipt of 2013-14 report.
- Heywood Rural Health — Report, 2013-14.
- Independent Broad-based Anti-corruption Commission — Report, 2013-14 (*Ordered to be printed*).
- Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule Nos. 81, 117 and 135.
- Legal Practitioners' Liability Committee — Report, 2013-14.
- Legal Services Board and the Legal Services Commissioner — Report, 2013-14 (*Ordered to be printed*).
- Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2013-14.
- Mallee Catchment Management Authority — Report, 2013-14.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2014 (*Ordered to be printed*).
- Metropolitan Planning Authority — Report, 2013-14.
- Moyne Health Services — Report, 2013-14.
- Nathalia District Hospital — Report, 2013-14.
- Office of Public Prosecutions — Report, 2013-14.
- Office of the National Rail Safety Regulator — Report, 2013-14.
- Parks Victoria — Report, 2013-14.
- Phillip Island Nature Parks — Report, 2013-14.
- Places Victoria — Report, 2013-14.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Ararat Planning Scheme — Amendment C33.
  - Ballarat Planning Scheme — Amendment C177.
  - Bayside Planning Scheme — Amendment C121.
  - Boroondara Planning Scheme — Amendments C150 and C199.
  - Cardinia Planning Scheme — Amendment C187.
  - Colac Otway Planning Scheme — Amendment C76.
  - Darebin Planning Scheme — Amendment C140.
  - Greater Bendigo Planning Scheme — Amendment C190.
  - Greater Shepparton Planning Scheme — Amendment C173.
  - Kingston Planning Scheme — Amendment C150.
  - Latrobe Planning Scheme — Amendment C84.
  - Maroondah Planning Scheme — Amendment C92.
  - Melbourne Planning Scheme — Amendment C249.

- Moonee Valley Planning Scheme — Amendments C120 and C124.
- Moorabool Planning Scheme — Amendment C72.
- Mornington Peninsula Planning Scheme — Amendment C179.
- Nillumbik Planning Scheme — Amendments C51 and C53.
- Port Phillip Planning Scheme — Amendment C110.
- South Gippsland Planning Scheme — Amendment C77 (Part 2).
- Southern Grampians Planning Scheme — Amendment C32.
- Surf Coast Planning Scheme — Amendment C98.
- Victoria Planning Provisions — Amendments VC112 and VC114.
- Wangaratta Planning Scheme — Amendment C60.
- West Wimmera Planning Scheme — Amendment C31.
- Whittlesea Planning Scheme — Amendment C182.
- Yarra Ranges Planning Scheme — Amendment C118.
- Port Phillip and Westernport Catchment Management Authority — Report, 2013-14.
- Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 7 October 2014.
- Queen Elizabeth Centre — Report, 2013-14.
- Radiation Advisory Committee — Report, 2013-14.
- Roads Corporation — Report, 2013-14.
- Robinvale District Health Services — Report, 2013-14.
- Royal Botanic Gardens Board — Report, 2013-14.
- Statutory Rules under the following Acts of Parliament:
  - Confiscation Act 1997 — No. 139.
  - Corrections Act 1986 — No. 147.
  - County Court Act 1958 — No. 150.
  - Credit Act 1984 — No. 141.
  - Credit (Administration) Act 1984 — No. 140.
  - Crimes Act 1958 — No. 137.
  - Criminal Organisations Control Act 2012 — No. 138.
  - Environment Protection Act 1970 — No. 124.
  - Fences Act 1968 — No. 122.
  - Planning and Environment Act 1987 — No. 126.
  - Prevention of Cruelty to Animals Act 1986 — No. 135.
  - Road Safety Act 1986 — Nos. 131, 132 and 143 to 146.
  - Seafood Safety Act 2003 — No. 136.
  - Sex Offenders Registration Act 2004 — No. 142.
  - Subordinate Legislation Act 1994 — Nos. 125 and 127 to 130.
  - Supreme Court Act 1986 — No. 123.
  - Sustainable Forests (Timber) Act 2004 — No. 134.
  - Transport (Compliance and Miscellaneous) Act 1983 — No. 149.
  - Valuation of Land Act 1960 — No. 148.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 133.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 51, 60, 118, 123, 124, 127 to 146 and 148 to 154.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Approved Competency Units for the Purposes of Part 12 of the Plumbing Regulations 2008 of 29 September 2014 under the Building Act 1993.
    - Ministerial Determination of 6 October 2014 — Section 5 of the Retail Leases Act 2003.
    - Ministerial Order No. 755 of 11 September 2014 — Exemption from Attendance or Enrolment at School (Amendment) under the Education and Training Reform Act 2006.
    - Proposed Legislative Instrument of 20 August 2014 — Pursuant to section 39 of the Cemeteries and Crematoria Act 2003.

- Minister's extension regulations certificate under section 5A in respect to Statutory Rule No. 125.
- Sustainability Victoria — Report, 2013-14.
- Trust for Nature (Victoria) — Report, 2013-14.
- Tweddle Child and Family Health Service — Minister's report of receipt of 2013-14 report.
- Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2013-14 report.
- Victorian Building Authority — Report, 2013-14.
- Victorian Coastal Council — Report, 2013-14.
- Victorian Electoral Commission — Report, 2013-14.
- Victorian Environmental Assessment Council — Report, 2013-14.
- Victorian Equal Opportunity and Human Rights Commission — Report, 2013-14 (*Ordered to be printed*).
- Victorian Health Promotion Foundation — Report, 2013-14.
- Victorian Inspectorate —  
Report, 2013-14.  
Report 2013-14, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.
- Victorian Institute of Forensic Medicine — Report, 2013-14.
- Victorian Interpreting and Translation Services — Report, 2013-14.
- Victorian Law Reform Commission — Report on the Forfeiture Rule (*Ordered to be printed*).
- Victorian Pharmacy Authority — Minister's report of receipt of 2013-14 report.
- West Gippsland Catchment Management Authority — Report, 2013-14.
- Wimmera Catchment Management Authority — Report, 2013-14.
- Yarram and District Health Service — Report, 2013-14.
- Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of 2013-14 report.
- Zoological Parks and Gardens Board — Report, 2013-14.

\* \* \* \* \*

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

- Crimes Amendment (Abolition of Defensive Homicide) Act 2014 — Remaining Provisions (except section 7(17)) — 1 November 2014 (Gazette No. S350, 7 October 2014).
- Crimes Amendment (Protection of Children) Act 2014 — sections 4 to 6 — 27 October 2014 (Gazette No. S350, 7 October 2014).
- Criminal Organisations Control and Other Acts Amendment Act 2014 — Division 3 of Part 2, Part 3 and Part 4 — 1 October 2014 — Part 5 (except sections 154(2) and 155) — 31 October 2014 (Gazette No. S330, 23 September 2014).
- Fences Amendment Act 2014 — 22 September 2014 (Gazette No. S317, 16 September 2014).
- Freedom of Information and Victorian Inspectorate Acts Amendment Act 2014 — section 28 — 7 October 2014 (Gazette No. S350, 7 October 2014).
- Privacy and Data Protection Act 2014 — Remaining Provisions (except Division 2 of Part 9) — 17 September 2014 (Gazette No. S317, 16 September 2014).
- Sentencing Amendment (Baseline Sentences) Act 2014 — 2 November 2014 (Gazette No. S350, 7 October 2014).
- Sentencing Amendment (Emergency Workers) Act 2014 — Part 1, section 6 and Parts 5 and 6 — 29 September 2014 — Remaining Provisions — 2 November 2014 (Gazette No. S330, 23 September 2014).
- Sustainable Forests (Timber) Amendment Act 2013 — Remaining Provisions — 1 October 2014 (Gazette No. S330, 23 September 2014).
- Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014 — sections 22 to 24, sections 32 and 33 and Division 3 of Part 2 — 30 September 2014 (Gazette No. S330, 23 September 2014).

Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014 — section 53 — 30 September 2014 (Gazette No. S337, 30 September 2014).

Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014 — 26 October 2014 (Gazette No. S330, 23 September 2014).

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**REPORTS ORDERED TO BE PRINTED** — The President ordered, That the —

- (1) Auditor-General's Report on Heatwave Management: Reducing the Risk to Public Health, October 2014;
- (2) Auditor-General's Report on Emergency Response ICT Systems, October 2014;
- (3) Cumulative Summary of Returns, 30 September 2014 under the *Members of Parliament (Register of Interests) Act 1978*;
- (4) Independent Broad-based Anti-corruption Commission — Report, 2013-14;
- (5) Legal Services Board and the Legal Services Commissioner — Report, 2013-14;
- (6) Victorian Equal Opportunity and Human Rights Commission — Report, 2013-14; and
- (7) Victorian Law Reform Commission Report on the Forfeiture Rule — be ordered to be printed.

Question put and agreed to.

**5 BUSINESS OF THE COUNCIL** — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 15 October 2014:

- (1) the notice of motion given this day by Mr Lenders in relation to the Coalition Government's failure to deliver on the promises made to Victorians;
- (2) Order of the Day No. 10, resumption of debate on motion noting the petition tabled on 5 August 2014 relating to jumps racing in Victoria; and
- (3) the motion to take note of a petition tabled this day by Mr Barber in relation to the detrimental impacts of the proposed open cut mine to the Stawell community.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 848 be postponed until later this day.

**8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

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

**9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014** — Question — That the Bill be read a second time — put and agreed to.

Ordered — That the Bill be committed to a Committee of the whole later this day.

*Business having been interrupted at 2 p.m. pursuant to an order of the Council on 18 September 2014* —

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**11 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

**12 CEMETERIES AND CREMATORIA AMENDMENT BILL 2014** — 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, ordered to be read a third time later this day.

**13 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014** — 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, 36

NOES, 3

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis (*Teller*)  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien (*Teller*)  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

Question agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 4 and 5, be postponed until later this day.

**15 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Question put and agreed to.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

**16 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014** — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr O'Donohue 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, 34

NOES, 3

Mr Atkinson

Mr Barber (*Teller*)

Mrs Coote

Ms Hartland

Ms Crozier

Ms Pennicuik (*Teller*)

Mr Dalla-Riva

Ms Darveniza

Mr Davis

Mr Drum

Mr Eideh

Mr Elasmarr

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lewis

Ms Lovell

Mr Melhem

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien (*Teller*)

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford (*Teller*)

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee

Ms Tierney

Question agreed to.

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

**17 JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014** — 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, 35

NOES, 3

Mr Atkinson

Mr Barber

Mrs Coote

Ms Hartland (*Teller*)

Ms Crozier

Ms Pennicuik (*Teller*)

Mr Dalla-Riva (*Teller*)

Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmar  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos (*Teller*)  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question 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.

**18 CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014 —**  
Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr David O'Brien, the debate was adjourned until later this day.

**19 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014 —** The Order of the Day for the Bill to be committed having been read —

Ms Pulford moved, That in relation to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014, it be an instruction to the Committee that they have power to consider New Clauses to amend the *Equal Opportunity Act 2010* to provide for the inclusion of expunged homosexual conviction in the list of attributes on the basis of which discrimination is prohibited.

Question put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Davis moved, That the sitting be extended.

Question — put and agreed to.

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Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted, and the Bill was ordered to be read a third time later this day.

- 20 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014 (No. 2)** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 to establish a scheme under which convictions for certain offences related to conduct engaged in for the purposes of, or in connection with, sexual activity of a homosexual nature may be expunged, to make consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 and the Equal Opportunity Act 2010 and for other purposes* and requesting the agreement of the Council.

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

- 21 ADJOURNMENT** — Mr Davis moved the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 10.58 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

## No. 196 — Wednesday, 15 October 2014

- 1 The President took the Chair and read the Prayer.

- 2 **PETITION — RAIL TUNNEL PLAN** — Mr Lenders presented a Petition bearing 1,528 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Premier of Victoria, the Hon. Dr Denis Napthine, MP, to abandon his rail tunnel plan and commit to building Melbourne Metro.

Ordered to lie on the Table.

- 3 **PAPERS** —

**VICTORIAN FLOODS DISASTER RELIEF FUND FINAL REPORT** — Ms Lovell moved, by leave, That there be laid before this House a copy of the Victorian Floods Disaster Relief Fund Final Report, March 2014.

Question — put and agreed to.

The Report was presented by Ms Lovell and ordered to lie on the Table.

\* \* \* \* \*

**PROCEDURE COMMITTEE — REVIEW OF THE STANDING ORDERS** — Mr Dalla-Riva presented a Report from the Procedure Committee on a Review of the Standing Orders (including Appendices and an Extract from the Proceedings of the Committee).

Ordered to lie on the Table and the Report to be printed.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — END OF TERM REPORT** — Mr Ondarchie, by leave, presented an End of Term Report from the Public Accounts and Estimates Committee (including an Appendix).

Ordered to lie on the Table and the Report to be printed.

Mr Ondarchie moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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 Acting Clerk:

Alexandra District Hospital — Report, 2013-14.

Ambulance Victoria — Report, 2013-14.  
Auditor-General's Reports on —  
    Information and Communications Technology Controls, October 2014.  
    Mental Health Strategies for the Justice System, October 2014.  
    Public Sector Performance Measurement and Reporting, October 2014.  
Bairnsdale Regional Health Service — Report, 2013-14.  
Beechworth Health Service — Report, 2013-14.  
Benalla Health — Report, 2013-14.  
Budget Sector — 2013-14 Financial Report, incorporating Quarterly Financial Report No. 4.  
Central Gippsland Health Service — Report, 2013-14.  
Cohuna District Hospital — Report, 2013-14.  
Colac Area Health — Report, 2013-14.  
Djerriwarrh Health Services — Report, 2013-14.  
East Grampians Health Service — Report, 2013-14.  
East Wimmera Health Service — Report, 2013-14.  
Echuca Regional Health — Report, 2013-14.  
Education and Early Childhood Development Department — Report, 2013-14.  
Environment and Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2013-14.  
Gippsland Southern Health Service — Report, 2013-14.  
Harness Racing Victoria — Report, 2013-14.  
Heathcote Health — Report, 2013-14.  
Kooweerup Regional Health Service — Report, 2013-14.  
Kyabram and District Health Service — Report, 2013-14.  
Mallee Track Health and Community Service — Report, 2013-14.  
Maryborough District Health Service — Report, 2013-14.  
National Parks Advisory Council — Report, 2013-14.  
Ombudsman — Investigation following concerns raised by Community Visitors about a mental health facility, October 2014.  
Parliamentary Committees Act 2003 — Government Response to Public Accounts and Estimates Committee's Report on the 2014-15 Budget Estimates — Part One.  
South West Healthcare — Report, 2013-14.  
State Development, Business and Innovation Department — Report, 2013-14.  
Statutory Rules under the following Acts of Parliament:  
    Estate Agents Act 1980 — No. 153.  
    Infringements Act 2006 — No. 152.  
    Mineral Resources (Sustainable Development) Act 1990 — No. 154.  
    Victorian Inspectorate Act 2011 — No. 151.  
    Wildlife Act 1975 — No. 155.  
Stawell Regional Health — Report, 2013-14.  
Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —  
    Ministerial Order No. 790 of 7 October 2014 — Amendment to Ministerial Order No. 615 Fixing Fees Administered by the Victorian Registration and Qualification Authority.  
    Variation to the Best Practice Environmental Management — Sitting, Design, Operation and Rehabilitation of Landfills of 13 August 2014 under the Environment Protection Act 1970.  
Surveyors Registration Board of Victoria — Minister's report of receipt of 2013-14 report.  
Swan Hill District Health — Report, 2013-14.  
Treasury and Finance Department — Report, 2013-14.  
Victims of Crime Assistance Tribunal — Report, 2013-14.  
Victoria State Emergency Service Authority — Report, 2013-14.  
Victorian Multicultural Commission — Report, 2013-14.  
Western District Health Service — Report, 2013-14.

Wimmera Health Care Group — Report, 2013-14.

- 4 ROAD SAFETY AMENDMENT (MANDATORY DRUG TESTING) BILL 2014** — Mr Guy moved, by leave, that the Road Safety Amendment (Mandatory Drug Testing) Bill 2014 be introduced and receive its first reading later this day.

Question — put and agreed to.

- 5 TRANSPARENCY IN GOVERNMENT BILL 2014** — Mr Jennings moved, by leave, that the Transparency in Government Bill 2014 be introduced and receive its first reading later this day.

Debate ensued.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

- 7 COALITION GOVERNMENT PROMISES** — Mr Lenders moved, That this House notes that —

- (1) over the last four years, the Coalition Government has failed to live up to the promise it made to Victorians in 2010;
- (2) the Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve public transport, provide support for families, reduce emissions and cut spending on government advertising;
- (3) instead Victorians are now faced with —
  - (a) an ambulance service in crisis and only 43 new hospital beds;
  - (b) crumbling school buildings, TAFE education in crisis and no Education Maintenance Allowance;
  - (c) soaring crime rates;
  - (d) a road and tunnel project of dubious benefit that nobody voted for;
  - (e) reduced kindergarten hours and no investment in public housing;
  - (f) a renewable energy industry in crisis;
  - (g) unprecedented spending on government advertising, an IBAC in need of urgent reform and FOI overseen by political staffers; and
  - (h) a manufacturing industry in crisis and the highest unemployment on the mainland;

and further notes the 2010 comment of the Member for Hawthorn, Hon. Ted Baillieu, MP, stating, "If you want to change things for the better, you have to change the Government".

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

Mr Davis, having provided an explanation as to why answers to certain Questions on Notice had not been provided —

Mr Lenders moved, That the House take note of the explanation.

Debate ensued.

Question — put and agreed to.

- 9 COALITION GOVERNMENT PROMISES** — Debate continued on the question, That this House notes that —

- (1) over the last four years, the Coalition Government has failed to live up to the promise it made to Victorians in 2010;
- (2) the Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve public transport, provide support for families, reduce emissions and cut spending on government advertising;
- (3) instead Victorians are now faced with —
  - (a) an ambulance service in crisis and only 43 new hospital beds;
  - (b) crumbling school buildings, TAFE education in crisis and no Education Maintenance Allowance;

- (c) soaring crime rates;
- (d) a road and tunnel project of dubious benefit that nobody voted for;
- (e) reduced kindergarten hours and no investment in public housing;
- (f) a renewable energy industry in crisis;
- (g) unprecedented spending on government advertising, an IBAC in need of urgent reform and FOI overseen by political staffers; and
- (h) a manufacturing industry in crisis and the highest unemployment on the mainland;

and further notes the 2010 comment of the Member for Hawthorn, Hon. Ted Baillieu, MP, stating, "If you want to change things for the better, you have to change the Government".

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of the Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.

**11 TRANSPARENCY IN GOVERNMENT BILL 2014** — Mr Jennings, pursuant to notice, introduced *A Bill for an Act to require the production of information from government agencies to ensure transparency in relation to the delivery of essential services and for other purposes*.

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

**12 COALITION GOVERNMENT PROMISES** — Debate continued on the question, That this House notes that —

- (1) over the last four years, the Coalition Government has failed to live up to the promise it made to Victorians in 2010;
- (2) the Liberals promised to fund 800 new hospital beds, invest in schools, reduce crime, improve public transport, provide support for families, reduce emissions and cut spending on government advertising;
- (3) instead Victorians are now faced with —
  - (a) an ambulance service in crisis and only 43 new hospital beds;
  - (b) crumbling school buildings, TAFE education in crisis and no Education Maintenance Allowance;
  - (c) soaring crime rates;
  - (d) a road and tunnel project of dubious benefit that nobody voted for;
  - (e) reduced kindergarten hours and no investment in public housing;
  - (f) a renewable energy industry in crisis;
  - (g) unprecedented spending on government advertising, an IBAC in need of urgent reform and FOI overseen by political staffers; and
  - (h) a manufacturing industry in crisis and the highest unemployment on the mainland;

and further notes the 2010 comment of the Member for Hawthorn, Hon. Ted Baillieu, MP, stating, "If you want to change things for the better, you have to change the Government".

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

**13 JUMPS RACING PETITION** — Debate resumed on the question, That this House takes note of the Petition, tabled in the House on 5 August 2014, bearing 532 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria call on the Minister for Racing to intervene and end steeplechase and hurdle racing in Victoria.

Debate ensued.

*Business having been interrupted at 5.30 p.m. pursuant to an Order of the Council on 18 September 2014 —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

- 16 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014 (No. 2)** — The Order of the Day having been read for the second reading of the Bill — Mr Davis moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Davis, the second reading speech was incorporated into Hansard.

Mr Davis moved, That the Bill be now read a second time.

Pursuant to Sessional Orders, Mr Davis made a statement that the Bill is the same in substance as the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 previously debated and read a second time by the Council in this Session.

The President being of the same opinion —

Question — That the Bill be now read a second time — put and agreed to.

Question — That the Bill be now read a third time and do pass — put and agreed to.

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

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

- 18 CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik 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.

- 19 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 20 ROAD SAFETY AMENDMENT (MANDATORY DRUG TESTING) BILL 2014** — Mr Guy, pursuant to notice, introduced *A Bill for an Act to amend the Road Safety Act 1986 to provide that it is an offence for a person to drive a motor vehicle with any concentration of a substance in the person's blood indicative of recent heroin use, to provide for the mandatory drug testing of the driver of a motor vehicle that is involved in an accident that has resulted in serious injury or death of another person and for other purposes.*

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

- 21 ADJOURNMENT** — Mr O'Donohue moved the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 9.37 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

## No. 197 — Thursday, 16 October 2014

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**KINGSWOOD GOLF CLUB** — Mrs Peulich presented a Petition bearing 779 signatures from certain citizens of Victoria requesting that the Victorian Parliament and the Minister for Planning, the Honourable Matthew Guy, MLC, work with the City of Kingston to take action to protect the Kingswood Golf Club, by having it placed into the Green Wedge in order to protect this high quality open space and environmental asset.

Ordered to lie on the Table.

On the motion of Mrs Peulich, the petition was ordered to be considered on the next day of meeting.

\* \* \* \* \*

**KINGSTON COUNCIL PLANNING SCHEME** — Mr Tee presented a Petition bearing 176 signatures from certain citizens of Victoria requesting that the Minister for Planning, the Honourable Matthew Guy, MLC, inform Kingston Council that he will not authorise any planning scheme amendments to implement the Council's plans to rezone the Green Wedge.

Ordered to lie on the Table.

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

Albury Wodonga Health — Report, 2013-14.

Alfred Health — Report, 2013-14.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2013-14 report.

Auditor General's Office — Report, 2013-14.

Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2013-14, October 2014.

Austin Health — Report, 2013-14.

Ballarat Health Services — Report, 2013-14.

Barwon Health — Report, 2013-14.

Barwon Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Bass Coast Regional Health — Report, 2013-14.

Bendigo Health Care Group — Report, 2013-14.

Castlemaine Health — Report, 2013-14.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2013-14 report.

Consumer Affairs Victoria — Report, 2013-14.

Country Fire Authority — Report, 2013-14.

Crown Land (Reserves) Act 1978 — Minister's Order of 1 October 2014 giving approval to the granting of a lease at Geelong Telegraph Station Reserve.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Eastern Health — Report, 2013-14.

Freedom of Information Commissioner — Report, 2013-14.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Goulburn Valley Health — Report, 2013-14.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Grampians Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Greyhound Racing Victoria — Report, 2013-14.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2013-14 report.

Health Department — Report, 2013-14.

Highlands Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Justice Department — Report, 2013-14.

Kerang District Health — Report, 2013-14.

Kilmore and District Hospital — Report, 2013-14.

Kyneton District Health Service — Report, 2013-14.

Latrobe Regional Hospital — Report, 2013-14.

Melbourne Health — Report, 2013-14.

Mercy Public Hospitals Incorporated — Report, 2013-14.

Mildura Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Monash Health — Report, 2013-14.

Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

North East Victorian Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

Northeast Health Wangaratta — Report, 2013-14.

Northern Health — Report, 2013-14.

Peninsula Health — Report, 2013-14.

Peter MacCallum Cancer Centre — Report, 2013-14.

Portland District Health — Report, 2013-14.

Residential Tenancies Bond Authority — Report, 2013-14.

Royal Children's Hospital — Report, 2013-14.

Royal Victorian Eye and Ear Hospital — Report, 2013-14.

Royal Women's Hospital — Report, 2013-14.

South Western Regional Waste Management Group — Minister's report of receipt of 2013-14 report.

St Vincent's Hospital (Melbourne) Limited — Report, 2013-14.

Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 126, 162 and 165.  
 Legislative Instruments and related documents under section 16B in respect of a Ministerial Order of 7 October 2014 — Requiring certain classes of persons to complete an advanced responsible service of alcohol program pursuant to section 146F of the Liquor Control Reform Act 1998.

Transport, Planning and Local Infrastructure Department — Report, 2013-14.

Upper Murray Health and Community Services — Report, 2013-14.

Victoria Police — Report, 2013-14.

Victorian Commission for Gambling and Liquor Regulation — Report, 2013-14.

Victorian Environmental Water Holder — Minister's report of receipt of 2013-14 report.

Victorian Industry Participation Policy — Report, 2013-14.

Victorian Inspectorate — Report, 2013-14, pursuant to section 131T of the Fisheries Act 1995 and section 74P of the Wildlife Act 1975.

Victorian Responsible Gambling Foundation — Report, 2013-14.

West Gippsland Healthcare Group, Report, 2013-14.

Western Health — Report, 2013-14.

- 4 SITTING OF THE COUNCIL** — Mr Davis moved, That the Council, at its rising, adjourn until a day and hour of the next meeting to be fixed by the President, which time of meeting shall be notified in writing to each Member of the Council.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.12.

**6 STANDING ORDERS** — Mr Dalla-Riva moved, That —

- (1) the draft Standing Orders, recommended by the Procedure Committee in its Review of the Standing Orders, October 2014, be adopted as the Standing Orders of the Legislative Council; and
- (2) the new Standing Orders come into operation on the first sitting day of the next Parliament.

\* \* \* \* \*

Ms Pennicuik moved, as amendments, That —

- (1) in draft Standing Order 4.05, omit paragraph (1);
- (2) (a) in draft Standing Order 4.08(1), omit “The motion will be put forthwith without amendment or debate.”; and
  - (b) in draft Standing Order 6.13, insert —
    - “( ) a motion to extend the sitting of the Council pursuant to Standing Order 4.08(1);”.
- (3) The Clerk is empowered to renumber the Standing Orders and correct any internal references as a consequence of this amendment.

\* \* \* \* \*

Mr Davis moved, as amendments, That —

- (1) In draft Standing Order 4.05(3), omit “or other appropriate local person”.
- (2) In draft Standing Order 4.08, omit paragraph (1) and insert —
  - “(1) Upon the interruption of business pursuant to Standing Order 4.07 and before a motion for the adjournment of the Council under Standing Order 4.09 is proposed by the President, a Minister may —
    - (a) move that the sitting be extended. The motion will be put forthwith without amendment or debate; or
    - (b) declare, without debate, that the sitting be extended by up to one hour, and —
      - (i) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b), a Minister may declare, without debate, that the sitting be extended by up to one further hour; and
      - (ii) at the conclusion of an extension of time declared under Standing Order 4.08(1)(b)(i), a Minister may move that the sitting be extended. The motion will be put forthwith without amendment or debate.”.
- (3) In draft Standing Order 6.13 —
  - (1) In paragraph (a), omit “and 11.08(3)”.
  - (2) Omit paragraphs (j) and (k).
- (4) Omit Chapter 11 (Standing Orders 11.01 to 11.10 inclusive) and insert —

**“CHAPTER 11****PRODUCTION OF DOCUMENTS****11.01 Order for the production of documents**

- (1) The Council may order documents to be tabled in the Council.
- (2) The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
- (3) An order for the production of documents must specify the date by when the documents must be provided.

**11.02 Tabling of documents provided in accordance with an order for the production of documents**

- (1) Documents provided in response to an order under Standing Order 11.01 will be delivered to the Clerk of the Council.
- (2) Upon receipt, such documents will be laid on the Table by the Clerk at the earliest opportunity.
- (3) A return under this Standing Order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
- (4) If the Council is not sitting on the date specified in the resolution of the Council under Standing Order 11.01(3), the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.
- (5) Documents lodged under Standing Order 11.02(4) must be laid on the Table by the Clerk on the next sitting day of the Council.

### **11.03 Documents claiming Executive privilege**

- (1) Where a document is claimed to be covered by Executive privilege —
  - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
  - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
    - (i) made available only to the mover of the motion for the order; and
    - (ii) must not be published or copied without an order of the Council.
- (2) The mover of the motion for the order may notify the Clerk, in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

### **11.04 Appointment of independent legal arbiter**

An independent legal arbiter required in accordance with Standing Order 11.03(2) is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.

### **11.05 Report of independent legal arbiter**

A report from an independent legal arbiter appointed under Standing Order 11.04 is to be lodged with the Clerk and —

- (a) made available only to members of the Council; and
- (b) must not be published or copied without an order of the Council.

### **11.06 Clerk to maintain register**

The Clerk will maintain a register showing the name of any person examining documents tabled under this Standing Order.”.

- (5) In draft Standing Order 14.10, omit paragraph (4).
- (6) The Clerk is empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

Debate ensued.

Question — That Ms Pennicuik's proposed amendment no. 1 be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 36

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza (*Teller*)  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch (*Teller*)  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis  
Mr Tee  
Ms Tierney

Question negatived.

Question — That Ms Pennicuik's proposed amendment no. 2 be agreed to — put.

The Council divided — The President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Jennings  
Mr Koch

Mrs Kronberg (*Teller*)  
 Mr Leane  
 Mr Lenders  
 Ms Lewis  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mrs Millar  
 Mr Danny O'Brien  
 Mr David O'Brien  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Ramsay  
 Mr Rich-Phillips  
 Mr Ronalds  
 Mr Scheffer (*Teller*)  
 Mr Somyurek  
 Mr Tarlamis  
 Mr Tee  
 Ms Tierney

Question negatived.

Question — That Ms Pennicuik's proposed amendment no. 3 be agreed to — put and negatived.

\* \* \* \* \*

Mr Lenders moved, as an amendment, That, in Mr Davis' proposed amendments to the draft new Standing Orders, omit amendment (2).

Debate ensued.

Question — That Mr Lenders' amendment to the amendments of Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18	NOES, 20
Mr Barber ( <i>Teller</i> )	Mr Atkinson
Ms Darveniza	Mrs Coote ( <i>Teller</i> )
Mr Eideh	Ms Crozier
Mr Elasmarr	Mr Dalla-Riva
Mr Jennings	Mr Davis
Ms Hartland	Mr Drum
Mr Leane	Mr Elsbury
Mr Lenders ( <i>Teller</i> )	Mr Finn
Ms Lewis	Mr Koch
Mr Melhem	Mrs Kronberg
Ms Mikakos	Ms Lovell
Ms Pennicuik	Mrs Millar
Ms Pulford	Mr Danny O'Brien
Mr Scheffer	Mr David O'Brien
Mr Somyurek	Mr O'Donohue
Mr Tarlamis	Mr Ondarchie
Mr Tee	Mrs Peulich
Ms Tierney	Mr Ramsay
	Mr Rich-Phillips
	Mr Ronalds ( <i>Teller</i> )

Question negatived.

Question — That the amendments moved by Mr Davis be agreed to — put and agreed to.

Question — That —

- (1) the draft Standing Orders, recommended by the Procedure Committee in its Review of the Standing Orders, October 2014, as amended, be adopted as the Standing Orders of the Legislative Council; and
- (2) the new Standing Orders come into operation on the first sitting day of the next Parliament.

— put and agreed to.

**7 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 205 to 863, be postponed until later this day.

**9 IMPROVING CANCER OUTCOMES BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**11 IMPROVING CANCER OUTCOMES BILL 2014** — Debate continued 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.

**12 EMERGENCY MANAGEMENT AMENDMENT (CRITICAL INFRASTRUCTURE RESILIENCE) BILL 2014** — 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.

**13 DRUGS, POISONS AND CONTROLLED SUBSTANCES FURTHER AMENDMENT BILL 2014** — 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.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

**15 ROAD SAFETY AMENDMENT (MANDATORY DRUG TESTING) BILL 2014** — Mr Rich-Phillips (for Mr Guy) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Leane (for Mr Tee), the debate was adjourned for two weeks.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of all remaining Government Business be postponed until later this day.

**17 JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014** — The President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

**18 PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Acting Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 165.

**19 ADJOURNMENT** — Ms Lovell moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.39 p.m., adjourned until a day and hour to be fixed by the President.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 195, 196 and 197

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Tuesday, 14 October 2014

**1 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014**

Clauses 1 to 7 — put and agreed to.

Bill reported without amendment.

**2 CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014**

Clauses 1 to 11 — put and agreed to.

Bill reported without amendment.

**3 SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014**

Clause 1 — Ms Pulford moved —

2. Clause 1, page 2, line 2, after "expunged" insert "on the basis that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime".

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Ms Pulford moved —

3. Clause 3, after line 8 insert—

**"applicant** means—

- (a) a person referred to in section 105B(1) who may make an application under that subsection; or
- (b) if a person referred to in section 105B(1) is unable to make an application under that subsection because of a disability within the meaning of the **Equal Opportunity Act 2010**, the person's litigation guardian or guardian with the meaning of the **Guardianship and Administration Act 1986**; or
- (c) a person referred to in section 105B(2) who may make an application under that subsection in respect of an entitled person who is deceased;".

4. Clause 3, after line 10 insert—

**"appropriate representative**, of a person who was convicted of a historical homosexual offence and is deceased, means—

- (a) if the person, immediately before death had a spouse or domestic partner—the spouse or domestic partner of the person; or
- (b) if the person immediately before death did not have a spouse or domestic partner or if the spouse or domestic partner is not available—a son or daughter of the person of or over the age of 18 years; or
- (c) if a spouse, domestic partner, son or daughter is not available—a parent of the person; or
- (d) if a spouse, domestic partner, son, daughter or parent is not available—a sibling of the person of or over the age of 18 years;

- (e) if a spouse, domestic partner, son, daughter, parent or sibling is not available—a person named in the will of the person as an executor; or
  - (f) if a spouse, domestic partner, son, daughter, parent, sibling or executor is not available—a person who, immediately before the death, was a personal representative of the person;
  - (g) if a spouse, domestic partner, son, daughter, parent, sibling, executor or personal representative is not available—a person determined to be the appropriate representative under subsection (3);".
5. Clause 3, page 4, after line 5 insert—
- "domestic partner**, of an entitled person who is deceased, means—
- (a) a person who was at the date of death of the entitled person in a registered domestic relationship with the entitled person; or
  - (b) an adult person to whom the entitled person was not married but with whom the entitled person was in a relationship as a couple where one or each of them provided personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they were living under the same roof, but does not include a person who provided domestic support and personal care to the entitled person—
    - (i) for fee or reward; or
    - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);
- entitled person** means—
- (a) a person referred to in section 105B(1); or
  - (b) a person who was convicted of a historical homosexual offence and is deceased;".
6. Clause 3, page 6, after line 4 insert—
- "(2) For the purposes of the definition of **domestic partner** in subsection (1)—
- (a) **registered domestic relationship** has the same meaning as in the **Relationships Act 2008**; and
  - (b) in determining whether persons who were not in a registered domestic relationship were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
  - (c) a person was not a domestic partner of another person only because they were co-tenants.
- (3) For the purposes of paragraph (g) of the definition of appropriate representative, a person is the **appropriate representative** if the Secretary determines that the person should be taken to be the appropriate representative of the deceased person because of the closeness of the person's relationship with the deceased person immediately before his or her death."
7. Clause 3, page 6, line 5, omit "(2)" and insert "(4)".
8. Clause 3, page 6, after line 25 insert—
- "(2) In addition, an appropriate representative of a person who was convicted of a historical homosexual offence and is deceased may apply to the Secretary for the person's conviction to be expunged."
9. Clause 3, page 6, line 26, omit "(2)" and insert "(3)".
10. Clause 3, page 6, line 31, after "applicant" insert "is an entitled person who is not deceased but".
11. Clause 3, page 7, line 12, omit "(3)" and insert "(4)".
12. Clause 3, page 7, line 14, omit "applicant" and insert "entitled person".
13. Clause 3, page 7, line 15, omit "applicant" and insert "entitled person".
14. Clause 3, page 7, line 20, omit "applicant" and insert "entitled person".
15. Clause 3, page 7, line 21, omit "applicant" and insert "entitled person".
16. Clause 3, page 7, line 27, omit "applicant" and insert "entitled person".
17. Clause 3, page 8, line 2, omit "applicant" and insert "entitled person".
18. Clause 3, page 8, line 8, omit "(4)" and insert "(5)".
19. Clause 3, page 8, line 11, omit "applicant" and insert "entitled person".
20. Clause 3, page 8, line 21, omit "(5)" and insert "(6)".
21. Clause 3, page 8, line 28, omit "(6)" and insert "(7)".

22. Clause 3, page 9, line 13, omit "105B(5)" and insert "105B(6)".
23. Clause 3, page 9, line 32, omit "105B(5)" and insert "105B(6)".
24. Clause 3, page 10, line 25, omit "105B(4)(b)" and insert "105B(5)(b)".
25. Clause 3, page 11, line 13, omit "105B(5)" and insert "105B(6)".
26. Clause 3, page 12, line 25, omit "applicant" and insert "entitled person".
27. Clause 3, page 12, line 26, omit "applicant" and insert "entitled person".
28. Clause 3, page 12, line 29, omit "applicant" and insert "entitled person".
29. Clause 3, page 13, line 2, omit "applicant at the time of making" and insert "entitled person at the time of the making of".
30. Clause 3, page 13, line 12, omit "applicant" and insert "entitled person".
31. Clause 3, page 13, line 26, omit "applicant" and insert "entitled person".
- Question — That the amendments be agreed to — put and agreed to.
- Clause 3, as amended — put and agreed to.

**Clause 4** — put and agreed to.

**Part Heading preceding Clause 5** — Ms Pulford moved —

32. Part heading preceding clause 5, omit "**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998**" and insert "**OTHER ACTS**".

Question — That the amendment be agreed to — put and agreed to.

Question — That the Part Heading preceding Clause 5, as amended, stand part of the Bill — put and agreed to.

**New Division Heading preceding Clause 5** — Ms Pulford moved —

33. Page 25, after line 2 insert the following heading—

**"Division 1—Amendment of Victorian Civil and Administrative Tribunal Act 1998".**

Question — That the New Division Heading preceding Clause 5 stand part of the Bill — put and agreed to.

**Clause 5** — put and agreed to.

**New Division Heading following Clause 5** — Ms Pulford moved —

34. Page 27, after line 12 insert the following heading—

**"Division 2—Amendment of Equal Opportunity Act 2010".**

Question — That the New Division Heading following Clause 5 stand part of the Bill — put and agreed to.

**New Clauses** — Ms Pulford moved —

35. Insert the following new clauses to follow clause 5 and heading proposed by amendment 33—

**'AA Definitions**

In section 4(1) of the **Equal Opportunity Act 2010** insert the following definition—

**"expunged homosexual conviction** means an **expunged conviction** within the meaning of Part 8 of the **Sentencing Act 1991**;"

**BB Attributes**

After section 6(p) of the **Equal Opportunity Act 2010** insert—

"(pa) an expunged homosexual conviction;"

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Clause 6** — put and agreed to.

**Long Title** — Ms Pulford moved —

1. Long title, after "1998" insert "and the **Equal Opportunity Act 2010**".

Question — That the amendment be agreed to — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

## Wednesday, 15 October 2014

### 1 **CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014**

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, page 2, omit lines 16 to 18.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber (*Teller*)  
Ms Hartland (*Teller*)  
Ms Pennicuik

NOES, 35

Mr Atkinson  
Mrs Coote  
Ms Crozier  
Mr Dalla-Riva  
Ms Darveniza  
Mr Davis  
Mr Eideh  
Mr Elasmarr  
Mr Elsbury  
Mr Finn  
Mr Guy  
Mr Jennings  
Mr Koch (*Teller*)  
Mrs Kronberg  
Mr Leane  
Mr Lenders  
Ms Lewis  
Ms Lovell  
Mr Melhem  
Ms Mikakos  
Mrs Millar  
Mr Danny O'Brien  
Mr David O'Brien  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Ms Pulford  
Mr Ramsay  
Mr Rich-Phillips  
Mr Ronalds  
Mr Scheffer  
Mr Somyurek  
Mr Tarlamis (*Teller*)  
Mr Tee  
Ms Tierney

Amendment negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Ms Pennicuik moved —

7. Clause 4, page 9, after line 11 insert—

"(3) In determining whether or not a person reasonably believes that another person is consenting to an act, a finding that the person knows or believes that a circumstance referred to in section 34C exists in relation to the other person is enough to show that the person does not reasonably believe that the other person is consenting."

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 3

Mr Barber

Ms Hartland (*Teller*)

Ms Pennicuik (*Teller*)

NOES, 36

Mr Atkinson

Mrs Coote

Ms Crozier

Mr Dalla-Riva

Ms Darveniza

Mr Davis

Mr Drum

Mr Eideh

Mr Elasmar

Mr Elsbury

Mr Finn

Mr Guy

Mr Jennings

Mr Koch

Mrs Kronberg

Mr Leane

Mr Lenders

Ms Lewis

Ms Lovell

Mr Melhem

Ms Mikakos

Mrs Millar

Mr Danny O'Brien

Mr David O'Brien

Mr O'Donohue

Mr Ondarchie

Mrs Peulich

Ms Pulford

Mr Ramsay

Mr Rich-Phillips

Mr Ronalds (*Teller*)

Mr Scheffer

Mr Somyurek

Mr Tarlamis

Mr Tee (*Teller*)

Ms Tierney

Amendment negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 37** — put and agreed to.

**Bill reported without amendment.**