

VICTORIA

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

SESSION 2006–10

VOLUME 3

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LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 103, 104 and 105

No 103 — Tuesday 3 February 2009

- 1 The House met in accordance with the terms of the resolution of 4 December 2008, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — The Premier made a Statement of Government Intentions for 2009.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the **Serious Sex Offenders Monitoring Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 5 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Gambling Regulation Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 86, 65, 2371, 1780, 959, 1194, 942, 579, 733, 20, 34 and 147 signatures (*Ms Neville, Mr Perera, Mr Pandazopoulos, Mr Languiller, Mr Herbert, Mrs Maddigan, Ms Lobato, Mr Seitz, Mr Andrews, Mr Helper, Dr Naphthine and Ms Green respectively*)
 - Recruitment of New Police Officers** — Requesting that the House allocates the necessary funds to provide for the urgent recruitment of 3000 police officers in Victoria, bearing 12 signatures (*Mrs Maddigan*)
 - Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 809 signatures (*Ms Lobato*)
 - Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 232 signatures (*Mr Ryan*)
 - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)
 - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 15 signatures (*Mr Crisp*)

Walpeup Research Station — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)

Funding for Sacred Heart Primary School — Requesting that the House considers funding for Sacred Heart Primary School, bearing 30 signatures (*Mr Northe*)

Lardner's Track Level Crossing — Requesting that the House directs the Government to take immediate action to install greater safety measures at the Lardner's Track level crossing between Warragul and Drouin, bearing 73 signatures (*Mr Blackwood*)

Vision Australia School — Requesting that the House — (a) provides a new centre to carry on the work of Vision Australia School; and (b) fully provides every state funded school with appropriate services, equipment and training for teachers and aides for every low-vision or blind child, bearing 13 signatures (*Mr Dixon*)

Boating Access at Lake Purrumbete — Requesting that the House directs the managing authorities at Parks Victoria to urgently provide boating access to Lake Purrumbete, bearing 1705 signatures (*Mr Mulder*)

Tax on Motorcycles and Scooters — Requesting that the House withdraws the Transport Accident Commission tax on motorcycle and scooter owners in Victoria, bearing 11 signatures (*Dr Napthine*).

Petitions ordered to be tabled.

- 7 **PETITION — VISION AUSTRALIA SCHOOL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 12 **PETITION — FUNDING FOR SACRED HEART PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 13 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 14 **PETITION — BOATING ACCESS AT LAKE PURRUMBETE** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

15 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

16 **PETITION — TAX ON MOTORCYCLES AND SCOOTERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

17 **DOCUMENTS**

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2007–08 be tabled (*Mr Wynne*) — put and agreed to.

EDUCATION AND TRAINING COMMITTEE — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Effective Strategies for Teacher Professional Learning, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2009 on the:

- Assisted Reproductive Treatment Bill 2008
- Associations Incorporation Amendment Bill 2008
- Bus Safety Bill 2008
- Criminal Procedure Bill 2008
- Duties Amendment Bill 2008
- Equal Opportunity Amendment (Governance) Bill 2008
- Fair Trading and Other Acts Amendment Bill 2008
- Liquor Control Reform Amendment (Enforcement) Bill 2008
- Melbourne Cricket Ground Bill 2008
- Occupational Health and Safety Amendment (Employee Protection) Bill 2008
- Relationships Amendment (Caring Relationships) Bill 2008
- Resources Industry Legislation Amendment Bill 2008
- Salaries Legislation Amendment (Salary Sacrifice) Act 2008
- Transport Legislation Amendment (Driver and Industry Standards) Act 2008
- Transport Legislation General Amendments Bill 2008
- Transport Legislation Miscellaneous Amendments Bill 2008
- Workplace Rights Advocate (Repeal) Bill 2008

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agricultural Industry Development Act 1990 — Order under s 8

Auditor-General — Preparedness to Respond to Terrorism Incidents: Essential services and critical infrastructure — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report 2007–08

Coastal Management Act 1995 — Victorian Coastal Strategy 2008

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Mordialloc-Mentone Beach Park Reserve
Sandringham Beach Park Reserve

First Mildura Irrigation Trust — Report period ended 19 August 2008

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 99, 165, 166/2008

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Major Events (Aerial Advertising) Act 2007 — Event Order under s 7

Major Events (Crowd Management) Act 2003 — Order declaring a managed access area under s 7

Medical Practitioners Board of Victoria — Report year ended 30 September 2008

Murray-Darling Basin Commission — Report 2007–08

Parliamentary Committees Act 2003:

Government response to the Road Safety Committee's Inquiry into Vehicle Safety

Government response to the Rural and Regional Committee's Inquiry into Rural and Regional Tourism

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C102, C130

Banyule — C54, C62

Bass Coast — C59

Baw Baw — C60

Bayside — C74

Boroondara — C85, C89

Campaspe — C56, C65

Cardinia — C105 Part 2

Casey — C106

Central Goldfields — C18

Corangamite — C22

Darebin — C94, C97

Frankston — C24, C45

Gannawarra — C17, C21, C22

Glenelg — C42

Golden Plains — C29, C39

Greater Dandenong — C97

Greater Geelong — C17, C118, C119, C138, C139, C148, C154 Part 1, C160, C161, C170

Greater Shepparton — C90, C120

Hobsons Bay — C33, C62 Part 1

Horsham — C25 Part 1

Hume — C98

Kingston — C75, C77, C107

Loddon — C16

Manningham — C72, C80

Maroondah — C65, C72, C73
 Melbourne — C105, C147
 Mitchell — C52, C63
 Moira — C39, C47
 Monash — C59, C73, C84
 Moonee Valley — C86
 Mornington Peninsula — C108
 Port Phillip — C76, C100
 Pyrenees — C19, C20
 South Gippsland — C9 Part 2, C41
 Stonnington — C64, C87, C92, C99, C110
 Strathbogie — C43
 Swan Hill — C27, C29, C30
 Victoria Planning Provisions — VC50, VC52
 Wellington — C46
 West Wimmera — C17
 Whitehorse — C78, C80, C107, C116
 Whittlesea — C72
 Wodonga — C57
 Wyndham — C83, C108, C113, C119
 Yarra Ranges — C43

Rail Safety Act 2006 — Notice under s 79 (*Gazette G48, 27 November 2008*)

Road Safety Committee — Inquiry into Improving Safety at Level Crossings, together with appendices and transcripts of evidence — Report and appendices ordered to be printed

State Services Authority — The State of the Public Sector in Victoria Report 2007–08

Statutory Rules under the following Acts:

Accident Towing Services Act 2007 — SR 169/2008
Charter of Human Rights and Responsibilities Act 2006 — SR 163/2008
Dangerous Goods Act 1985 — SR 166/2008
Family Violence Protection Act 2008 — SRs 153, 156/2008
Gas Safety Act 1997 — SRs 164, 165/2008
Health Act 1958 — SRs 159, 160/2008
Magistrates' Court Act 1989 — SR 157/2008
Metropolitan Fire Brigades Act 1958 — SR 155/2008
Prevention of Cruelty to Animals Act 1986 — SR 162/2008
Radiation Act 2005 — SR 167/2008
Road Safety Act 1986 — SRs 161, 168, 170/2008
Stalking Intervention Orders Act 2008 — SR 152/2008
Supreme Court Act 1986 — SRs 149, 150, 151/2008
Victorian Energy Efficiency Target Act 2007 — SR 158/2008
Victorian Workers' Wages Protection Act 2007 — SR 154/2008

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 92, 149, 150, 151, 155, 156, 157/2008
 Ministers' exemption certificates in relation to Statutory Rules 99, 146, 152, 153, 159, 161, 163, 166, 168, 170/2008

Minister's infringements offence consultation certificate in relation to Statutory Rule 169/2008

Victorian Electoral Commission — Report on the Kororoit District by-election held on 28 June 2008

Victorian Law Reform Commission — Assistance Animals — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Building Amendment Act 2008 — Sections 1, 2 and 16 to 25 — 1 January 2009 (*Gazette G51, 18 December 2008*)

Courts Legislation Amendment (Associate Judges) Act 2008 — Whole Act — 17 December 2008 (*Gazette S377, 16 December 2008*)

Dangerous Goods Amendment (Transport) Act 2008 — Whole Act — 1 January 2009 — (*Gazette G51, 18 December 2008*)

Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 — Section 39 — 18 January 2009 (*Gazette G51, 18 December 2008*)

Family Violence Protection Act 2008 — Remaining provisions except for Part 15 — 8 December 2008 (*Gazette S339, 4 December 2008*)

Police Integrity Act 2008 — Remaining provisions — 5 December 2008 (*Gazette S340, 4 December 2008*)

Public Health and Wellbeing Act 2008 — Part 1 and ss 246, 249, 254, 255, 263, 264, 265 and 266 — 1 January 2009 (*Gazette S365, 12 December 2008*)

Racing and Gambling Legislation Amendment Act 2008 — Whole Act other than s 29 — 1 January 2009 (*Gazette G51, 18 December 2008*)

Stalking Intervention Orders Act 2008 — Whole Act — 8 December 2008 (*Gazette S339, 4 December 2008*)

Water (Commonwealth Powers) Act 2008 — Provisions of Part 1 and Part 2 — 4 December 2008 (*Gazette S336, 4 December 2008*). Remaining provisions — 15 December 2008 (*Gazette S358, 11 December 2008*).

- 18 **RESIGNATION OF MEMBER OF THE LEGISLATIVE COUNCIL** — The Speaker announced that she had received the following letter from the Governor:

Friday 9th January 2009

Ms. Jenny Lindell, MP,
Speaker of the Legislative Assembly,
Parliament House,
MELBOURNE. 3002

Dear Speaker,

Resignation of a Member of the Legislative Council

I advise that on 9th January, 2009 I received a letter from Mr. Evan Thornley, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter, Mr Thornley'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 the Assembly is required to fill this vacancy.

Yours sincerely,

David de Kretser
Governor

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL — COUNCIL VACANCY** — The Speaker announced the receipt of a message from the Legislative Council proposing that the Council 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 Evan William Thornley and that the place and time of such meeting be the Legislative Assembly Chamber on Tuesday 3 February 2009 at 6.15 pm.

Ordered — That the message be taken into consideration immediately.

Motion made and question — That this House meets the Legislative Council 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 Evan Thornley and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly Chamber today at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 December 2008, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Assisted Reproductive Treatment Bill 2008
 Coroners Bill 2008
 Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008
 Health Services Legislation Amendment Bill 2008
 Multicultural Victoria Amendment Bill 2008
 Professional Standards and Legal Profession Acts Amendment Bill 2008
 Prostitution Control and Other Matters Amendment Bill 2008
 Salaries Legislation Amendment (Salary Sacrifice) Bill 2008
 State Taxation Acts Further Amendment Bill 2008
 Transport Legislation Amendment (Driver and Industry Standards) Bill 2008.

- 21 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Bus Safety Bill 2008
 Criminal Procedure Bill 2008
 Equal Opportunity Amendment (Governance) Bill 2008
 Fair Trading and Other Acts Amendment Bill 2008
 Liquor Control Reform Amendment (Enforcement) Bill 2008
 Melbourne Cricket Ground Bill 2008
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008
 Resources Industry Legislation Amendment Bill 2008
 Transport Legislation General Amendments Bill 2008
 Transport Legislation Miscellaneous Amendments Bill 2008.

- 22 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008 AND HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following corrections:

- (1) In the Assisted Reproductive Treatment Bill 2008, clause 153, in new section 17B(3) he has inserted 'subsection' before '(2)', so that 17B(3) begins 'The Registrar must not issue the addendum referred to in subsection (2)...'; and
- (2) In the Health Services Legislation Amendment Bill 2008, clause 6(3) refers to the *Health Services Act 1998*, he has deleted '1998' and inserted '1988' so that the title of the Act is correct.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 5 February 2009:

Criminal Procedure Bill 2008
 Equal Opportunity Amendment (Governance) Bill 2008
 Resources Industry Legislation Amendment Bill 2008

(Mr Batchelor) — put, after debate, and agreed to.

- 24 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 25 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time *(Mr Cameron)*.

Motion made and question — That the debate be now adjourned *(Mr McIntosh)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned *(Mr Hardman)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of Evan Thornley and that Jennifer Huppert has been duly chosen to hold the vacant place.

- 29 **RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 30 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 104 — Wednesday 4 February 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Pakula from the Public Accounts and Estimates Committee, effective from today.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 191 signatures (*Mr Smith, Bass*)
- Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 581 and 275 signatures (*Mr Clark and Ms Wooldridge respectively*)
- Freeway Link in Bulleen** — Requesting that the House does not support any proposals to build a freeway/tollway link that connects the Eastern Freeway to the Metropolitan Ring Road via Bulleen Road in Bulleen, bearing 37 signatures (*Mr Kotsiras*)
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 172 and 200 signatures (*Mr Tresize and Mr Nardella respectively*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 47 signatures (*Mr Crisp*)
- Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 28 signatures (*Mr Crisp*).
- Petitions ordered to be tabled.
- 4 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Box Hill be taken into consideration tomorrow (*Mr Clark*) — put and agreed to.

- 5 **PETITION — FREEWAY LINK IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 6 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 7 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 8 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.
- 12 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Geelong be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.
- 13 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Auditor-General — Literacy and Numeracy Achievement — Ordered to be printed.
- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008
Fundraising Appeals and Consumer Acts Amendment Bill 2008
Relationships Amendment (Caring Relationships) Bill 2008.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning
- Road Safety Committee's Report into Improving Safety at Level Crossings

Environment and Natural Resources Committee's Report on the Impact of Public Land Management on Bushfires in Victoria

Electoral Matters Committee's Report on the International Investigations into Political Donations and Disclosure and Voter Participation and Informal Voting.

- 18 **CARDINIA PLANNING SCHEME** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Amendment C105 Part 2 to the Cardinia Planning Scheme be ratified (*Mr Batchelor*) — put, after debate, and agreed to.

Business having been interrupted at 2.00 pm under standing orders.

- 19 **QUESTIONS** — (Under SO 55).

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

- 21 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Andrews*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 105 — Thursday 5 February 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **DEATH OF FRANK CREAN** — The Speaker announced the death of Frank Crean, Member of the Legislative Assembly for the Electoral Districts of Albert Park from 1945 to 1947 and Prahran from 1949 to 1951; and members rose in their places as a mark of respect to the memory of the deceased.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Melbourne Water Waterways Charges — Requesting that the House removes the Melbourne Water Waterways charge on properties that do not fall within a water service district of Western Water, bearing 19 signatures (*Mr Baillieu*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 32 signatures (*Mr Crisp*)

Walpeup Research Station — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 73 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

4 **PETITION — MELBOURNE WATER WATERWAYS CHARGES** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to the Review of the Second Phase of the Regulatory Structure and Associated Arrangements for the Operation of Gaming Machines, Wagering, Approved Betting Competitions and Club Keno and the Funding of the Racing Industry that are to Apply after 2012 under s 10.2A.11 — Ordered to be printed

Statutory Rule under the *Crimes Act 1958* — SR 1.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 February 2009 (*Mr Batchelor*) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Order read for responses to the Statement; responses commenced.

Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 February 2009.

- 13 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Order read for responses to the Statement; responses resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Responses resumed.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

By leave, Bill immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 560–1*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 February 2009 had expired.

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That Clause 1 be agreed to — put and agreed to.

Question — That Clauses 2 to 385 inclusive and Schedules 1 to 3 inclusive be agreed to and that the Bill be agreed to without amendment — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

18 **ACTING PUBLIC ADVOCATE** — The Deputy Speaker advised that today the Speaker administered to Philip John Grano, the Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.

19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Serious Sex Offenders Monitoring Amendment Bill 2009
Major Crime Legislation Amendment Bill 2008.

20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

21 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 103, 104 and 105

No 105 — Thursday 5 February 2009

CRIMINAL PROCEDURE BILL 2008

Clause 1, Mr Clark moved amendment No 1 (*see Schedule*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 February 2009 had expired (for remaining stages see p 558).

SCHEDULE OF AMENDMENT MOVED

CRIMINAL PROCEDURE BILL 2008

Amendment moved by Mr Clark

1. Clause 1, page 2, lines 6 to 8, omit all words and expressions on these lines.

VOTES AND PROCEEDINGS
Nos 106, 107 and 108

No 106 — Tuesday 24 February 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow:
 - (1) On Tuesday 24 and Wednesday 25 February 2009:
 - (a) no business other than the consideration of a motion relating to the Victorian bushfires; and
 - (b) the suspension of the 10.00 pm interruption under SO 32;
 - (2) On Thursday 26 February 2009:
 - (a) the suspension of question time; and
 - (b) a motion setting a government business program to be moved;
 - (3) On Wednesday 11 March 2009, the Opposition to propose the matter of public importance
- 3 **VICTORIAN BUSHFIRES** — Motion made and question — That the House:
 - (1) Extends its condolences and deepest sympathy to the families and loved ones of those killed in the recent bushfires;
 - (2) Grieves for those who suffered injury and who lost their homes, property and personal possessions;
 - (3) Praises the work of firefighters and emergency services personnel from Victoria, others parts of Australia and overseas for their courage and sacrifice in fighting the fires and protecting our community;
 - (4) Expresses its deep gratitude to the many volunteers and community members who have supported friends, neighbours and communities at this time of great need;
 - (5) Sincerely thanks the people of Australia for their incredible generosity and support to the affected communities, particularly through the Bushfire Appeal Fund; and
 - (6) Pledges to work with communities and all levels of government to rebuild fire affected communities at the earliest opportunity

(Mr Batchelor) — put and agreed to.

(Mr Brumby) — and, after debate —
Motion made and question — That the debate be now adjourned *(Ms Pike)* — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

4 **ADJOURNMENT** — The Acting Speaker left the Chair at 7.02 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 107 — Wednesday 25 February 2009

1 The Speaker took the Chair and read the Prayer.

2 **VICTORIAN BUSHFIRES** — Order read for resuming debate on question — That the House:

- (1) Extends its condolences and deepest sympathy to the families and loved ones of those killed in the recent bushfires;
- (2) Grieves for those who suffered injury and who lost their homes, property and personal possessions;
- (3) Praises the work of firefighters and emergency services personnel from Victoria, others parts of Australia and overseas for their courage and sacrifice in fighting the fires and protecting our community;
- (4) Expresses its deep gratitude to the many volunteers and community members who have supported friends, neighbours and communities at this time of great need;
- (5) Sincerely thanks the people of Australia for their incredible generosity and support to the affected communities, particularly through the Bushfire Appeal Fund; and
- (6) Pledges to work with communities and all levels of government to rebuild fire affected communities at the earliest opportunity; debate resumed.

Members stood in silence in unanimous agreement to the motion.

3 **ADJOURNMENT** — The Speaker left the Chair at 7.22 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 108 — Thursday 26 February 2009

1 The Speaker took the Chair and read the Prayer.

- 2 **VICTORIAN BUSHFIRES** — Motion made, by leave, and question — That the resolutions and associated documents received from the Queensland Legislative Assembly and South Australian House of Assembly regarding the Victorian bushfires be tabled (*Mr Batchelor*) — put and agreed to.
- 3 **MAJOR SPORTING EVENTS BILL 2009** — Mr Merlino obtained leave to bring in a Bill '*for an Act to re-enact with amendments and to consolidate into one Act the law relating to major sporting events and to venues for events, to repeal the Major Events (Aerial Advertising) Act 2007, the Major Events (Crowd Management) Act 2003 and the Sports Event Ticketing (Fair Access) Act 2002, to consequentially amend other Acts and for other purposes*'; and, after debate, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 4 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to amend the Melbourne University Act 1958 to facilitate the amalgamation between the Faculty of the Victorian College of the Arts and the Faculty of Music at The University of Melbourne and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Redevelopment Plans in Albion** — Requesting that the House, in relation to 16 Susan Street, Albion — (a) cancels or revokes demolition plans for the property; (b) investigates the nature of the demolition plans with the appropriate department; and (c) looks into alternative housing arrangements for the lead tenant facility with the Department of Human Services, bearing 86 signatures (*Mr Languiller*)
- Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 64 signatures (*Ms Wooldridge*)
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 231 signatures (*Mr Langdon*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 60 signatures (*Mr Crisp*)
- Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)
- Mornington Peninsula Mobile Intensive Care** — Requesting that the House ensures that two officer crews are maintained for all mobile intensive care ambulances on the Mornington Peninsula, bearing 197 signatures (*Mr Morris*)
- Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 115 signatures (*Mr Jasper*)
- Closure of Napier Street, Rye** — Requesting that the House directs VicRoads to reopen Napier Street at Point Nepean Road, Rye, bearing 447 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 6 **PETITION — MORNINGTON PENINSULA MOBILE INTENSIVE CARE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 7 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — CLOSURE OF NAPIER STREET, RYE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 11 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

12 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2009 on the:

Gambling Regulation Amendment (Licensing) Bill 2009
 Serious Sex Offenders Monitoring Amendment Act 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

County Court of Victoria — Report 2007–08

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Confiscation Act 1997 — Report 2007–08 under s 139A

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2008

Financial Management Regulations 2004 — Order under regulation 8 authorising the Royal Commission into the Victorian bushfires of late January and February 2009 to incur expenses and obligations

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 158/2008 (*Gazette G8, 19 February 2009*), 162/2008 (*Gazette G7, 12 February 2009*)

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2008

Mount Buller and Mount Sterling Alpine Resort Management Board — Report year ended 31 October 2008

Parliamentary Committees Act 2003 — Government response to the Family and Community Development Committee's Inquiry on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2008

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Casey — C99

Frankston — C52

Hobsons Bay — C58

Kingston — C94

Knox — C45

Mildura — C49

Monash — C83

Moonee Valley — C80, C88

Wellington — C35 Part 2

Whitehorse — C84, C105

Whittlesea — C32, C114

Wyndham — C95

Statutory Rules under the following Acts:

Education and Training Reform Act 2006 — SR 6

Fisheries Act 1995 — SRs 2, 3

Gas Industry Act 2001 — SR 9

Infringements Act 2006 — SR 4

Melbourne City Link Act 1995 — SR 7

Police Regulation Act 1958 — SR 13

Residential Tenancies Act 1997 — SR 12

Subordinate Legislation Act 1994 — SRs 5, 8

Unclaimed Money Act 2008 — SR 11

Wildlife Act 1975 — SR 10

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 8

Ministers' exemption certificates in relation to Statutory Rules 4, 7, 9, 10, 13.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Education and Training Reform Further Amendment Act 2008 — Sections 4 to 16, 18 to 20, 24, 31, 33, 37, 40 and 42 — 29 January 2009 (*Gazette S16, 29 January 2009*)

Fisheries Amendment Act 2007 — Sections 3(2), 7, 8 and 9(2) — 2 March 2009 (*Gazette G6, 5 February 2009*)

Health Services Legislation Amendment Act 2008 — Sections 6, 7, 8, 9, 11, 12, 13 and 14 and Part 4 — 31 March 2009 (*Gazette G8, 19 February 2009*).

- 13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 10 February 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008

Fundraising Appeals and Consumer Acts Amendment Bill 2008

Major Crime Legislation Amendment Bill 2008

Relationships Amendment (Caring Relationships) Bill 2008

Serious Sex Offenders Monitoring Amendment Bill 2009.

- 14 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Gambling Regulation Amendment (Licensing) Bill 2009.

- 15 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The Speaker announced that she had received the resignation of Mr Adem Somyurek from the Family and Community Development Committee, effective from 25 February 2009.

- 16 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Motion made, by leave, and question — That Ms Marlene Kairouz be appointed a member of the Family and Community Development Committee (*Mr Batchelor*) — put and agreed to.

- 17 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 March 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm today:

Duties Amendment Bill 2008

Liquor Control Reform Amendment (Enforcement) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 20 **LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see p 571*).

Bill sent to the Legislative Council and their agreement requested.

- 21 **DUTIES AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Batchelor announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all stakeholders are properly consulted and serious inherent problems with the Bill are resolved including:

- (1) a stamp duty payment deadline of 14 days on property settlements, which is administratively unrealistic and financially burdensome, particularly for country Victorians;
- (2) the proposed retrospective application of a number of provisions;
- (3) continuing legal concerns regarding the interpretation of proposed wording; and
- (4) the failure to prevent unintended adverse consequences for many Victorians'

(*Mr Wells*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 572–5*).

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victoria Law Foundation Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 23 **MAJOR SPORTING EVENTS BILL 2009** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 March 2009.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Resources Industry Legislation Amendment Bill 2008 without amendment.

25 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 March 2009.

26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

27 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 106, 107 and 108

No 108 — Thursday 26 February 2009

LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008

Clauses 1 to 11 agreed to.

Clause 12, Question — That clause 12 stands part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 42

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Clause 13, Question — That clause 13 stands part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 44

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Clauses 14 to 27 agreed to.

Bill agreed to without amendment.

DUTIES AMENDMENT BILL 2008

Clauses 1 to 3 agreed to.

Clause 4, Mr Holding moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 5 to 12 agreed to.

Clause 13, Mr Holding moved amendment Nos 2 to 17 inclusive (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 14 agreed to.

New clauses AA to DD, Mr Holding moved new clauses AA to DD (*see Schedule*).

New clauses agreed.

New clauses EE and FF, Mr Holding moved new clauses EE and FF (*see Schedule*).

New clauses agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

DUTIES AMENDMENT BILL 2008

Amendments moved by Mr Holding

1. Clause 4, page 4, after line 23 insert—
 - () After section 7(3) of the **Duties Act 2000** insert—
 - "(3AA) Despite subsection (1), the granting, transfer, assignment or surrender of a lease creating or giving rise to a residency right in a retirement village within the meaning of the **Retirement Villages Act 1986** is not a dutiable transaction.".
2. Clause 13, line 8, omit "9" and insert "15".
3. Clause 13, line 13, omit "9" and insert "15".
4. Clause 13, line 18, omit "10" and insert "16".
5. Clause 13, line 24, omit "10" and insert "16".
6. Clause 13, line 28, omit "10" and insert "16".
7. Clause 13, line 34, omit "10" and insert "16".
8. Clause 13, page 11, line 5, omit "10" and insert "16".
9. Clause 13, page 11, line 10, omit "10" and insert "16".
10. Clause 13, page 11, line 16, omit "10" and insert "16".
11. Clause 13, page 11, line 20, omit "10" and insert "16".
12. Clause 13, page 11, line 27, omit "10" and insert "16".
13. Clause 13, page 11, line 32, omit "10" and insert "16".
14. Clause 13, page 12, line 5, omit "11" and insert "17".
15. Clause 13, page 12, line 12, omit "11" and insert "17".
16. Clause 13, page 12, line 16, omit "12" and insert "18".
17. Clause 13, page 12, line 25, omit "12" and insert "18".

NEW CLAUSES

18. Insert the following New Clauses to follow clause 7—
 - 'AA References to dutiable property—Division 1**

After the heading to Division 1 of Part 5 of the **Duties Act 2000** insert—
 - "32Y References to dutiable property**

For the purposes of this Division, a reference to—

 - (a) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va);

(b) a transfer of dutiable property includes—

- (i) the granting of a lease referred to in section 7(1)(b)(v);
- (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

BB References to dutiable property—Division 2

After the heading to Division 2 of Part 5 of the **Duties Act 2000 insert—**

"38B References to dutiable property

For the purposes of this Division, a reference to a transfer of dutiable property includes—

- (a) the granting of a lease referred to in section 7(1)(b)(v);
- (b) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

CC References to dutiable property—Division 3

After the heading to Division 3 of Part 5 of the **Duties Act 2000 insert—**

"41B References to dutiable property

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property or a vesting of dutiable property includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va)."

DD References to dutiable property—Division 4

After the heading to Division 4 of Part 5 of the **Duties Act 2000 insert—**

"50B References to dutiable property

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a transfer of an estate in fee simple includes—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

19. Insert the following New Clauses to follow clause 8—

'EE Definitions

At the end of section 57G of the **Duties Act 2000 insert—**

"(2) For the purposes of this Division, a reference to—

- (a) a bona fide purchaser of the land for adequate consideration includes a reference to—
 - (i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;
 - (ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;

- (b) a contract for the purchase of the land includes a reference to—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (c) a transfer of dutiable property, being an estate in fee simple includes a reference to—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (d) a transferee includes a person to whom a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va) is granted, transferred or assigned."

FF Who is an eligible pensioner?

After section 58(2) of the **Duties Act 2000** insert—

- "(3) For the purposes of sections 58, 59, 60, 61, 62 and 63, a reference to—
- (a) a bona fide purchaser of an estate in fee simple in land includes a reference to—
 - (i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;
 - (ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;
 - (b) a transfer of dutiable property, being a estate in fee simple in land includes a reference to—
 - (i) the granting of a lease referred to in section 7(1)(b)(v);
 - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va).
- (4) For the avoidance of doubt, nothing in subsection (3) affects the operation of this Act other than sections 58, 59, 60, 61, 62 and 63 relating to the transfer of dutiable property."

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 109, 110 and 111

No 109 — Tuesday 10 March 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Mr Brumby obtained leave to bring in a Bill '*for an Act to make provision for the publication of a Report of the Bushfires Royal Commission and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts relating to land*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to make amendments to various Acts to ensure compatibility with the Charter of Human Rights and Responsibilities and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the *Crimes Act 1958* to create offences in respect of identity crimes, the *Sentencing Act 1991* to provide for the issue of certificates to victims of identity crimes and as to sentencing procedure, to amend the *Children, Youth and Families Act 2005* as to sentencing procedure and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Mr Andrews obtained leave to bring in a Bill '*for an Act to facilitate the delivery of welfare services, health services, mental health services, disability services, drug and alcohol services and housing and support services to certain persons with multiple and complex needs and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Electrical Substation in Kilsyth South** — Requesting that the House upgrades the electrical substation in Clarkedale Rise, Kilsyth South, bearing 44 signatures (*Ms Lobato*)
 - Traffic Lights at Yarra Junction Primary School** — Requesting that the House considers traffic lights at the school crossing outside Yarra Junction Primary School, bearing 125 signatures (*Ms Lobato*)
 - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 34 signatures (*Mr Crisp*)
 - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the

need to connect Mildura to both the Melbourne and the national rail networks, bearing 64 signatures (*Mr Crisp*)

Funding for Catholic Schools — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 38 signatures (*Mr Blackwood*)

Ombudsman Reforms — Requesting that the House amends the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to — (a) make the Office of the Ombudsman accountable, open, transparent and fair in its dealings with the public; (b) revoke s 29 of the *Ombudsman Act 1973*; and (c) incorporate penalty points for non-compliance of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

9 DOCUMENTS

VICTORIAN BUSHFIRES — Motion made, by leave, and question — That the resolution received from the Tasmanian House of Assembly regarding the Victorian bushfires be tabled (*Mr Batchelor*) — put and agreed to.

PARTNERSHIPS VICTORIA PROJECT SUMMARY: PARTNERSHIPS VICTORIA IN SCHOOLS — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Partnerships Victoria in Schools be tabled (*Ms Pike*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2009 on the:

Criminal Procedure Bill 2008
Major Crime Legislation Amendment Bill 2008
Major Sporting Events Bill 2009
Melbourne University Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 — Documents under s 12H:

Poisons Code
Notices regarding the amendment, commencement and availability of the Poisons Code
Standard for the Uniform Scheduling of Drugs and Poisons No 23

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2008

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Brimbank — C70
East Gippsland — C66
Manningham — C60

Mitchell — C43
 Moorabool — C34
 Mornington Peninsula — C88, C90 Part 1
 Nillumbik — C54
 Southern Grampians — C13
 Stonnington — C96, C113
 Victoria Planning Provisions — VC53
 Wellington — C40
 Yarra Ranges — C79

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Responsible Breeding of Animals with Heritable Defects that Cause Disease

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR 18
Conservation, Forests and Lands Act 1987 — SR 14
Drugs, Poisons and Controlled Substances Act 1981 — SR 16
Fisheries Act 1995 — SR 19
Road Safety Act 1986 — SRs 17, 24
Second-Hand Dealers and Pawnbrokers Act 1989 — SR 20
Subordinate Legislation Act 1994 — SRs 21, 22, 23
Supreme Court Act 1986 — SRs 15, 18

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 18
 Ministers' exemption certificates in relation to Statutory Rules 12, 14, 16, 20

Victorian Environmental Assessment Council Act 2001 — Government Response to the Victorian Environmental Assessment Council's Final Report on the River Red Gum Forests Investigation.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Energy Legislation (Consumer Protection and Other Amendments) Act 2003 — Part 7 — 26 February 2009 (*Gazette G9, 26 February 2009*)
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008 — Part 2 (except ss 3, 9, 10 and 14) — 1 March 2009; s 3 and Part 4 — 1 June 2009; s 14 — 25 November 2009 (*Gazette G9, 26 February 2009*)
Major Crime Legislation Amendment Act 2009 — Section 8 — 27 February 2009 (*Gazette G9, 26 February 2009*)
Metung Land Act 1991 — Whole Act — 2 March 2009 (*Gazette G9, 26 February 2009*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Criminal Procedure Bill 2008 without amendment.

11 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 3 March 2009
 Resources Industry Legislation Amendment Bill 2008

On 10 March 2009
 Criminal Procedure Bill 2008.

12 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Major Sporting Events Bill 2009.

13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 March 2009:

Associations Incorporation Amendment Bill 2008
 Bus Safety Bill 2008
 Gambling Regulation Amendment (Licensing) Bill 2009
 Melbourne Cricket Ground Bill 2008
 Melbourne University Amendment Bill 2009
 Transport Legislation Miscellaneous Amendments Bill 2008
 Workplace Rights Advocate (Repeal) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for:

- (1) measures designed to limit the concentration of ownership, operation and location of electronic gaming machines;
- (2) the establishment of the Government's promised systems and mechanisms for implementing responsible gambling measures for the conduct of gaming; and
- (3) the process of allocation of gaming machine entitlements to not unfairly disadvantage smaller, community based clubs and small businesses in the pub sector' (*Mr O'Brien*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment (Enforcement) Bill 2008 without amendment.

17 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **BUS SAFETY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 19 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 110 — Wednesday 11 March 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *for an Act to amend the **Electricity Industry Act 2000** and the **National Electricity (Victoria) Act 2005** and for other purposes*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 237 signatures (*Mr Carli*)
- Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 431 signatures (*Mr Ryan*)
- Stony Creek Racing Club** — Requesting that the House calls upon the Government to ensure objectionable aspects of Racing Victoria's draft directions paper insofar as they relate to the Stony Creek Racing Club are abandoned, bearing 164 signatures (*Mr Ryan*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 63 signatures (*Mr Crisp*)
- South West Victoria Racing Clubs** — Requesting that the Government, in relation to the proposed changes to south west Victorian racing clubs in Racing Victoria's directions paper — (a) ensures current race days be retained; (b) ensures training facilities continue to be adequately funded; and (c) formally recognises the role of volunteers, bearing 3515 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

4 **PETITION — PROPOSED HIGH VOLTAGE LINE FROM TYNONG TO WONTHAGGI** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — STONY CREEK RACING CLUB** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

6 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Crime Statistics and Police Numbers — Ordered to be printed

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 19.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LAND TAX** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That the House condemns the State Labor Government for its latest record land tax grab from property owners and businesses which is causing considerable grief and anguish at a time of significant economic slowdown for Victoria.'

Mr Wells addressed the House — Discussion followed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Road Safety Committee's Report on the Inquiry into Vehicle Safety

Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning.

- 13 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Carli*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 17 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Lim*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Cameron announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

No 111 — Thursday 12 March 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Proposed Tollway Link in Bulleen — Requesting that the House does not support any proposal to build a freeway or tollway link connecting the Eastern Freeway to the Metropolitan Ring Road via Bulleen Road, Bulleen, bearing 125 signatures (*Mr Kotsiras*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 61 signatures (*Mr Crisp*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 72 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

3 **PETITION — PROPOSED TOLLWAY LINK IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Financial Management Act 1994:

2008–09 Mid Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2008

Report from the Minister for Environment and Climate Change that he had received the Report 2007–08 of the Lake Mountain Alpine Resort Management Board

Municipal Association of Victoria Insurance — Report 2007–08.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 31 March 2009 (*Ms Neville*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 10 **BUS SAFETY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 11 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 March 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That Government amendment Nos 1 to 6 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to provide for:

- (1) measures designed to limit the concentration of ownership, operation and location of electronic gaming machines;
- (2) the establishment of the Government's promised systems and mechanisms for implementing responsible gambling measures for the conduct of gaming; and

- (3) the process of allocation of gaming machine entitlements to not unfairly disadvantage smaller, community based clubs and small businesses in the pub sector'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 10 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 20 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 21 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 4) Bill 2009 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 22 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 23 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 24 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 25 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 26 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 13 to 17 inclusive, be postponed until later this day.

- 27 **VICTORIA LAW FOUNDATION BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sheriff Bill 2008 without amendment.
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.
- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 112, 113 and 114

No 112 — Tuesday 31 March 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Crimes Act 1958**, the **Children, Youth and Families Act 2005**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Firearms Act 1996**, the **Gambling Regulation Act 2003**, the **Magistrates' Court Act 1989**, the **Police Integrity Act 2008**, the **Police Regulation Act 1958**, the **Prostitution Control Act 1994**, the **Surveillance Devices Act 1999** and the **Terrorism (Community Protection) Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Planning and Environment Act 1987**, the **Docklands Act 1991**, the **Heritage Act 1995**, the **Local Government Act 1989** and the **Melbourne Convention and Exhibition Trust Act 1996** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Ms Neville obtained leave to bring in a Bill '*for an Act to amend the **Children, Youth and Families Act 2005** and the **Child Wellbeing and Safety Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ROAD LEGISLATION AMENDMENT BILL 2009** — Mr Pallas obtained leave to bring in a Bill '*for an Act to amend the **Road Safety Act 1986**, the **Road Management Act 2004**, the **Accident Towing Services Act 2007**, the **Transport Act 1983** and the **Melbourne City Link Act 1995** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Sexually Explicit Advertising** — Requesting that the House adheres to the request to ban advertisements on billboards, vehicles and in public spaces which — (a) advertise adult nightclubs, prostitution services, sex aids and other sex shop merchandise; (b) demean women and men; (c) use implied or explicit sexual images or words which risk distracting motor vehicle drivers' attention; and (d) expose children to inappropriate adult material, bearing 1165 signatures (*Mr Clark*)
 - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 491 signatures (*Mr Stensholt*)

Recruitment of New Police Officers — Requesting that the House allocates the necessary funds to provide for the urgent recruitment of 3000 police officers in Victoria, bearing 16 signatures (*Mr Stensholt*)

Funding for Box Hill Hospital — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill Hospital, bearing 2 signatures (*Ms Wooldridge*)

Noise Abatement in Donvale — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 59 signatures (*Ms Wooldridge*)

Stony Creek Racing Club — Requesting that the House calls upon the Government to ensure objectionable aspects of Racing Victoria's draft directions paper insofar as they relate to the Stony Creek Racing Club are abandoned, bearing 18 signatures (*Mr Ryan*)

Loch Sport Firebreak — Requesting that the House recommends to the Government that a suitable firebreak surrounding Loch Sport be constructed to ensure the safety of residents and visitors, bearing 649 signatures (*Mr Ryan*)

Casterton Police Residence — Requesting that the House works with the relevant government bodies to retain the Sergeant's residence in Clarke Street, Casterton, bearing 377 signatures (*Mr Delahunty*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 17 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 46 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 9 **PETITION — CASTERTON POLICE RESIDENCE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 11 **PETITION — RECRUITMENT OF NEW POLICE OFFICERS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 12 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 13 **PETITION — NOISE ABATEMENT IN DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 14 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2008 of the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 4 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Bushfires Royal Commission (Report) Bill 2009
 Crimes Amendment (Identity Crime) Bill 2009
 Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009
 Human Services (Complex Needs) Bill 2009
 Legislation Reform (Repeals No. 4) Bill 2009
 Primary Industries Legislation Amendment Bill 2008
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Charter of Human Rights and Responsibilities Act 2006 — Report 2008 on the operation of the Act — Ordered to be printed

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return March 2009 and Summary of Variations notified between 9 October 2008 and 30 March 2009 — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside — C52, C72, C79
 Boroondara — C86
 Campaspe — C43
 Casey — C96
 Glenelg — C45
 Golden Plains — C14, C36
 Greater Bendigo — C102 Part 1, C110
 Greater Dandenong — C87
 Horsham — C39
 Hume — C100
 Indigo — C35
 Manningham — C71
 Moreland — C65, C101
 Moyne — C24
 Stonnington — C94, C104, C106
 Victoria Planning Provisions — VC54

Yarra — C111

Statutory Rules under the following Acts:

Building Act 1993 — SR 25

Disability Act 2006 — SR 26

Subordinate Legislation Act 1994 — SRs 27, 28

Whistleblowers Protection Act 2001 — SR 29

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 21, 22, 27, 28

Ministers' exemption certificates in relation to Statutory Rules 17, 24, 25

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q

Wildlife Act 1975 — Wildlife (Control of Game Hunting) Notice Nos 1, 2/2009.

- 17 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 18 March 2009

Liquor Control Reform Amendment (Enforcement) Bill 2008

On 24 March 2009

Sheriff Bill 2008

Victoria Law Foundation Bill 2008.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009

Human Services (Complex Needs) Bill 2009.

- 19 **COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 27 February 2008 providing that the **Family and Community Development Committee** be required to present its report, on the Inquiry into the Provision of Supported Accommodation for Victorians with a Disability and/or Mental Illness, to the Parliament no later than 30 June 2009 be amended so far as to require the report to be presented to the Parliament no later than 15 December 2009;
- (2) The resolution of the House of 26 June 2008 providing that the **Law Reform Committee** be required to present its report, on the Inquiry into Alternative Dispute Resolution, to the Parliament no later than 31 March 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2009;
- (3) The resolution of the House of 4 December 2008 providing that the **Law Reform Committee** be required to present its report, on the Review of the *Members of Parliament (Register of Interests) Act 1978*, to the Parliament no later than 4 June 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2009; and
- (4) The resolution of the House of 9 October 2008 providing that the **Outer Suburban/Interface Services and Development Committee** be required to present its report, on the Inquiry into

Sustainable Development of Agribusiness in Outer Suburban Melbourne, to the Parliament no later than 31 August 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 March 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

20 **BUDGET SPEECH 2009–2010** — Motion made, by leave, and question — That —

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday 5 May 2009, following the introduction and motion for the second reading of the Annual Appropriation Bill:
 - (a) the Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;
 - (b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2009–2010;
- (2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, Treasurer, to attend the Legislative Assembly on Tuesday 5 May 2009 for the purpose of giving a speech in relation to the Victorian State Budget 2009–2010

(*Mr Batchelor*) — put and agreed to.

21 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 April 2009:

Bushfires Royal Commission (Report) Bill 2009
 Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009
 Fair Trading and Other Acts Amendment Bill 2008
 Human Services (Complex Needs) Bill 2009
 Major Sporting Events Bill 2009
 Transport Legislation General Amendments Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

22 **STATEMENTS BY MEMBERS** — Statements by members were made.

23 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Under standing orders, Mr Ryan announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Hardman*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne University Amendment Bill 2009 without amendment.

26 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Lobato*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

27 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

28 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and
- (2) retain the remaining amendments' (*Mr Mulder*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

29 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 113 — Wednesday 1 April 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

TAFE Fees — Requesting that the House calls upon the Government to reconsider the proposed changes to the Victorian Education and Training sector (VET) including increasing fees for TAFE students, bearing 475 signatures (*Mr Pandazopoulos*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 62 signatures (*Mr Crisp*)

Mornington Peninsula Planning Scheme Amendment C87 — Requesting that the House ensures the prompt approval of Mornington Peninsula Planning Scheme Amendment C87, bearing 7 signatures (*Mr Morris*)

Port Phillip Bay Toxic Waste Site — Requesting that the House opposes the proposed toxic waste site in Port Phillip Bay, bearing 36 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — PORT PHILLIP BAY TOXIC WASTE SITE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

6 **PETITION — MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C87** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Access to Public Hospitals: Measuring Performance — Ordered to be printed

Administration of the *Flora and Fauna Guarantee Act 1988* — Ordered to be printed

Commissioner for Environmental Sustainability Act 2003:

Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Strategic Audit: Environmental Performance Reporting Supplementary Report 2007–08.

8 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Bus Safety Bill 2008

Equal Opportunity Amendment (Governance) Bill 2008.

9 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Greg Barber, MLC from the Public Accounts and Estimates Committee, effective from 31 March 2009.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One
- Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism
- Law Reform Committee's Report on the Inquiry into Vexatious Litigants
- Road Safety Committee's Report on the Inquiry into Vehicle Safety
- Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Three.
- 13 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 14 **QUESTIONS** — (Under SO 55).
- 15 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all stakeholders are properly consulted and serious inherent problems with the Bill are resolved including:
- (1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and
 - (2) the lack of guidelines concerning the exercise of the Director's discretion to initiate proceedings in the County or Supreme Courts, including where test case funding should be made available to affected parties' (*Mr O'Brien*) — and, after debate —
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 602–3*).
- Bill sent to the Legislative Council and their agreement requested.

- 18 **MAJOR SPORTING EVENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.30 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 114 — Thursday 2 April 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Upgrade of Health Services for Bass Coast Region — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 219 signatures (*Mr Smith, Bass*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 17 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 67 signatures (*Mr Crisp*)

Careful Cobber Program — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 94 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

7 **DOCUMENTS**

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission's Report, *A State of Liveability: An Inquiry into Enhancing Victoria's Liveability and the Government response* be tabled (*Mr Holding*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Investigation into Corporate Governance at Moorabool Shire Council — Ordered to be printed

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2007–08

Statutory Rule under the *Supreme Court Act 1986* — SR 30

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 30.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Associations Incorporation Amendment Bill 2008 without amendment.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 May 2009 (*Mr Batchelor*) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

12 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

13 **PLANNING LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 14 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 15 **ROAD LEGISLATION AMENDMENT BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 16 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

[The Speaker having left the Chair at 11.44 am, resumed it at 11.58 am]

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to:

(1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and

(2) retain the remaining amendments'; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Debate continued on question — That this Bill be now read a second time — and on the amendment.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

21 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to:

- (1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and
- (2) retain the remaining amendments'; debate resumed.

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 31 March 2009 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

22 **MAJOR SPORTING EVENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

23 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this 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 the words 'this House refuses to read this Bill a second time until all stakeholders are properly consulted and serious inherent problems with the bill are resolved including:

- (1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and

- (2) the lack of guidelines concerning the exercise of the Director's discretion to initiate proceedings in the County or Supreme Courts, including where test case funding should be made available to affected parties'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 26 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 112, 113 and 114

No 113 — Wednesday 1 April 2009

BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009

Clauses 1 to 3 agreed to.

Clause 4, Mr Hulls moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

SCHEDULE OF AMENDMENT MOVED

BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009

Amendment moved by Mr Hulls

Clause 4, line 9, omit "Within 10 days after" and insert "On".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 115, 116 and 117

No 115 — Tuesday 5 May 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequential on the Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 of the Commonwealth and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to establish a corporate trustee for the Macedonian Orthodox Church within Victoria to acquire, hold, deal with and dispose of property for the benefit of the Church, to provide for the vesting of certain property in the corporate trustee and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Wildlife Act 1975, the Coastal Management Act 1995 and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the National Electricity (Victoria) Act 2005, the Electricity Industry Act 2000, the National Gas (Victoria) Act 2008, the Gas Industry Act 2001 and the Gas Safety Act 1997, to make consequential amendments to various other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the Emergency Services Superannuation Act 1986, the Constitution Act 1975, the County Court Act 1958, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Transport Superannuation Act 1988 and the Superannuation (Portability) Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 103 signatures (*Ms Wooldridge*)
 - Noise Abatement in Donvale** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 17 signatures (*Ms Wooldridge*)

Roseville Retirement Village — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Roseville Retirement Village on King Street, Doncaster East, bearing 81 signatures (*Ms Wooldridge*)

TAFE Fees — Requesting that the House calls upon the Government to reconsider the proposed changes to the Victorian Education and Training sector (VET) including increasing fees for TAFE students, bearing 899 signatures (*Ms Lobato*)

Closure of Essendon Airport — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 39 signatures (*Mr Ryan*)

Loch Sport Firebreak — Requesting that the House recommends to the Government that a suitable firebreak surrounding Loch Sport be constructed to ensure the safety of residents and visitors, bearing 292 signatures (*Mr Ryan*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 104 signatures (*Mr Crisp*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 36 signatures (*Mr Jasper*)

Funding for Catholic Schools — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 433 signatures (*Ms Campbell*)

Fire Warning Siren for Lorne — Requesting that the House installs a manual fire warning siren in Lorne, bearing 1098 signatures (*Mr Mulder*)

Shepparton Stock and Domestic Water Supply — Requesting that the House provides funding for a piped stock and domestic water scheme for the Cosgrove, Cosgrove South and Pine Lodge districts and the upgrade of existing water channels in the Shepparton area, bearing 104 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

9 DOCUMENTS

AUSTRALIAN CATHOLIC UNIVERSITY LTD — Motion made, by leave, and question — That the Report 2008 of the Australian Catholic University Ltd be tabled (*Ms Allan*) — put and agreed to.

MELBOURNE COLLEGE OF DIVINITY — Motion made, by leave, and question — That the Report 2008 of the Melbourne College of Divinity be tabled (*Ms Allan*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 5 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Bus Safety Bill 2008

Children Legislation Amendment Bill 2009

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009

Justice Legislation Amendment Bill 2009
Major Sporting Events Bill 2009
Parliamentary Salaries and Superannuation Amendment Bill 2009
Planning Legislation Amendment Bill 2009
Road Legislation Amendment Bill 2009
Salaries Legislation Amendment (Salaries Sacrifice) Bill 2009
Serious Sex Offenders Monitoring Amendment Bill 2009
Transport Legislation Amendment (Driver and Industry Standards) Bill 2009

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 4) Bill 2009, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Crime Commission — Report 2007–08

Ballarat University — Report 2008 (two documents)

Bendigo Regional Institute of TAFE — Report 2008 (two documents)

Box Hill Institute of TAFE — Report 2008

Central Gippsland Institute of TAFE — Report 2008

Chisholm Institute of TAFE — Report 2008

Deakin University — Report 2008

Driver Education Centre of Australia Ltd — Report 2008

East Gippsland Institute of TAFE — Report 2008

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2009–10

Budget Paper No 3 — Service Delivery 2009–10

Budget Paper No 4 — Statement of Finances 2009–10 incorporating Quarterly Financial Report No 3

Gordon Institute of TAFE — Report 2008

Goulburn Ovens Institute of TAFE — Report 2008 (two documents)

Holmesglen Institute of TAFE — Report 2008

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 32 (*Gazette G16, 16 April 2009*), 36, 37 (*Gazette S111, 23 April 2009*)

Kangan Batman Institute of TAFE — Report 2008

La Trobe University — Report 2008

Major Events (Aerial Advertising) Act 2007 — Event Order under s 7

Melbourne University — Report 2008

Monash University — Report 2008

Northern Melbourne Institute of TAFE — Report 2008

Parliamentary Committees Act 2003:

Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Local Economic Development in Outer Suburban Melbourne

Government response to the Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C85
 Bass Coast — C91
 Bayside — C83
 Boroondara — C109
 Cardinia — C129
 Casey — C121
 Darebin — C117
 East Gippsland — C69
 Glen Eira — C65
 Greater Dandenong — C74, C83
 Greater Geelong — C156
 Hume — C112
 Kingston — C127
 Manningham — C81
 Maribyrnong — C74, C78
 Maroondah — C100
 Melbourne — C144
 Moonee Valley — C83
 Moorabool — C41
 Moreland — C82, C110
 Mornington Peninsula — C123
 Northern Grampians — C14
 Port Phillip — C68
 Stonnington — C90, C95, C100, C102
 Surf Coast — C43 Part 1
 Swan Hill — C31
 Wangaratta — C31
 Wellington — C52
 Whitehorse — C136
 Whittlesea — C97, C108
 Wodonga — C54, C64
 Yarra — C121, C123
 Yarra Ranges — C83

RMIT University — Report 2008

South West Institute of TAFE — Report 2008

Statutory Rules under the following Acts:

Corrections Act 1986 — SR 40

Electricity Safety Act 1998 — SRs 32, 36, 37

Freedom of Information Act 1982 — SR 33

Magistrates' Court Act 1989 — SRs 34, 35, 39

Subordinate Legislation Act 1994 — SRs 31, 38

Valuation of Land Act 1960 — SR 41

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 34

Ministers' exemption certificates in relation to Statutory Rules 29, 41

Minister's infringements offence consultation certificates in relation to Statutory Rules 36, 37

Sunraysia Institute of TAFE — Report 2008

Swinburne University of Technology — Report 2008

Victoria University — Report 2008 (two documents)

William Angliss Institute of TAFE — Report 2008

Wodonga Institute of TAFE — Report 2008.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Fundraising Appeals and Consumer Acts Amendment Act 2009 — Sections 6(2), 7, 8, 10 and 11 — 4 May 2009 (*Gazette G17, 23 April 2009*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne Cricket Ground Bill 2008 without amendment.

11 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 6 April 2009

Melbourne University Amendment Bill 2009

On 7 April 2009

Associations Incorporation Amendment Bill 2008

Bus Safety Bill 2008

Equal Opportunity Amendment (Governance) Bill 2008

Melbourne Cricket Ground Bill 2008.

12 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Children Legislation Amendment Bill 2009

Justice Legislation Amendment Bill 2009

Parliamentary Salaries and Superannuation Amendment Bill 2009

Planning Legislation Amendment Bill 2009

Road Legislation Amendment Bill 2009.

- 13 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2009/2010) Bill 2009, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2009/2010.

Estimates ordered to be tabled.

- 14 **APPROPRIATION (2009/2010) BILL 2009** — Mr Brumby obtained leave to bring in 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 2009/2010 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

In accordance with the resolution of the House on 31 March 2009 the Treasurer, Mr Lenders, was admitted into the Chamber by the Serjeant-at-Arms.

Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Lenders delivered a speech in relation to the Bill.

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 May 2009.

Mr Lenders was escorted from the Chamber by the Serjeant-at-Arms.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2009/2010) Bill 2009, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2009/2010.

Estimates ordered to be tabled.

- 16 **APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — Mr Brumby obtained leave to bring in 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 2009/2010 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 19 May 2009.

- 17 **STANDING ORDERS COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 4 December 2008 providing that the Standing Orders Committee be required to present its report, on a review of the standing orders regarding the passage of legislation, the opening of Parliament, and petitions, by 4 June 2009 be amended so far as to require the report to be presented to the House by 10 December 2009 (*Mr Batchelor*) — put and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 May 2009:

Crimes Amendment (Identity Crime) Bill 2009
 Justice Legislation Amendment Bill 2009
 Parliamentary Salaries and Superannuation Amendment Bill 2009
 Planning Legislation Amendment Bill 2009
 Road Legislation Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 20 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

- 23 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 116 — Wednesday 6 May 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Water Pipeline Goulburn to Melbourne — Alternative Water Schemes — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 20 signatures (*Dr Sykes*)

Commercial Firewood — Requesting that the House calls on the Government to make provision for firewood contractors to access the state forest in Gippsland, bearing 758 signatures (*Mr Ingram*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 136 signatures (*Mr Crisp*)

Mornington Primary School — Requesting that the House makes available adequate funds to cover costs of renovations and restorations including roof repairs for Mornington Primary School, bearing 270 signatures (*Mr Morris*)

Fence Line Vegetation — Requesting that the House directs the Government to take immediate action to allow private landowners in Gippsland to clear vegetation up to three metres either side of fence lines on private property, bearing 122 signatures (*Mr Blackwood*)

Native Vegetation Near Dwellings — Requesting that the House directs the Government to take immediate action to allow private landowners in rural and bushland areas of Gippsland to clear native vegetation within a 10 metre perimeter of a dwelling, bearing 178 signatures (*Mr Blackwood*)

Fuel Reduction Burning in Gippsland — Requesting that the House directs the Government to take immediate action to allow the use of a fuel reduction burning program along road sides in Gippsland coordinated by VicRoads, the Country Fire Authority and the local council, bearing 167 signatures (*Mr Blackwood*)

Access Tracks on Crown Land in Gippsland — Requesting that the House directs the Government to allow the retention and maintenance of access tracks established on Crown Land in Gippsland during the 2009 bushfires, bearing 124 signatures (*Mr Blackwood*).

Petitions ordered to be tabled.

3 **PETITION — COMMERCIAL FIREWOOD** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

4 **PETITION — MORNINGTON PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — FENCE LINE VEGETATION** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

8 **PETITION — NATIVE VEGETATION NEAR DWELLINGS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

9 **PETITION — FUEL REDUCTION BURNING IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

10 **PETITION — ACCESS TRACKS ON CROWN LAND IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

11 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 DOCUMENTS

LAW REFORM COMMITTEE — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into Alternative Dispute Resolution and Restorative Justice, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Annual Plan 2009–10

Management of School Funds — Ordered to be printed

Results of Audits for Entities with other than 30 June 2008 Balance Dates — Ordered to be printed

The Channel Deepening Project — Ordered to be printed

The New Royal Children's Hospital — a public private partnership — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Health that he had received the Report 2008 of the Psychologists Registration Board of Victoria

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 2006 – February 2007.

13 **STATEMENTS BY MEMBERS** — Statements by members were made.

14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SUPPORT FOR BUSHFIRE VICTIMS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its ongoing support for the victims of the Victorian bushfires and calls upon the Government to ensure that all available measures are used to enable recovery.'

Mr Ryan addressed the House — Discussion followed.

15 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Local Economic Development in Outer Suburban Melbourne

Law Reform Committee's Report on the Inquiry into Vexatious Litigants

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Law Reform Committee's Report on the Inquiry into Alternative Dispute Resolution and Restorative Justice

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Public Accounts and Estimates Committee's Report 2007–08.

16 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

18 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

- 21 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.28 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 117 — Thursday 7 May 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in a Bill *'for an Act to amend the Duties Act 2000 and other Acts and for other purposes'*; and the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

- 3 **STATE TAXATION ACTS AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Upgrade of Health Services for Bass Coast Region — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 58 signatures (*Mr Smith, Bass*)

Desalination Plant, Bass Coast — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 71 signatures (*Mr Smith, Bass*)

Proposed Desalination Plant — Requesting that the House opposes the proposed desalination plant, bearing 38 signatures (*Mr Smith, Bass*)

Proposed High Voltage Line from Tynong to Wonthaggi — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 29 signatures (*Mr Ryan*)

Stony Point to Frankston Train Line — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 109 signatures (*Mr Burgess*)

Urology Unit at Frankston Hospital — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 58 signatures (*Mr Burgess*)

Natural Gas to Coastal Villages — Requesting that the House requests the Government to fast track natural gas connections to the coastal villages of Cannons Creek, Blind Bight, Warneet and Tooradin, bearing 57 signatures (*Mr Burgess*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 27 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 98 signatures (*Mr Crisp*)

Mariemont Avenue, Beaumaris — Requesting that the Government deletes all references to Mariemont Avenue in Amendment C75 to the Bayside Planning Scheme and rejects plans to implement inter-war and post-war heritage controls in the Sandringham electorate other than for voluntary listings and Council owned assets, bearing 45 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

5 **PETITION — MARIEMONT AVENUE, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

6 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

7 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 8 **PETITION — PROPOSED DESALINATION PLANT** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 9 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 10 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **PETITION — NATURAL GAS TO COASTAL VILLAGES** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 12 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

14 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2007–08 Financial and Performance Outcomes, together with appendices, a minority report and an extract from the proceedings.

Ordered to be tabled and printed.

ELECTORAL MATTERS COMMITTEE — Mr O'Brien, Deputy Chair, presented a report from the Electoral Matters Committee on the Inquiry into Political Donations and Disclosure, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

STANDING ORDERS COMMITTEE — Ms Barker presented a report from the Standing Orders Committee on Epetitions, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report 2008

Centre for Adult Education — Report 2008

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Ombudsman — *Whistleblowers Protection Act 2001*: Report of an investigation into the alleged improper conduct of councillors at Brimbank City Council — Ordered to be printed

Outworkers (Improved Protection) Act 2003 — Review of the Act under s 64.

15 **DISPUTE RESOLUTION COMMITTEE** — Motion made, by leave, and question — That Mr Robinson be discharged from attendance on the Dispute Resolution Committee and that Mr Lupton be appointed in his place (*Mr Cameron*) — put and agreed to.

16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 2 June 2009 (*Mr Cameron*) — put and agreed to.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

19 **QUESTIONS** — (Under SO 55).

20 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 May 2009 had expired.

21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Barker; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

22 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

23 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Merlino*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **PLANNING LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 6, page 13, line 7, after 'DAC from' he has inserted 'time' so the line now reads 'members of the DAC from time to time; and'.

- 26 **DOCUMENT**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on Exceptions and Exemptions to the *Equal Opportunity Act 1995*, Options Paper, together with appendices and a minority report.

Ordered to be tabled and printed.

- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Human Services (Complex Needs) Bill 2009
Transport Legislation Miscellaneous Amendments Bill 2008.

- 28 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

- 29 **MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

- 30 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 and 5, be postponed until later this day.

- 31 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 32 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 33 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 35 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 118, 119 and 120

No 118 — Tuesday 2 June 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Mr Hulls obtained leave to bring in a Bill *'for an Act to refer certain matters to the Commonwealth regarding workplace relations, to repeal the Commonwealth Powers (Industrial Relations) Act 1996 and the Victorian Workers' Wages Protection Act 2007, to amend the Long Service Leave Act 1992, the Public Sector Employment (Award Entitlements) Act 2006, the Outworkers (Improved Protection) Act 2003, the Public Holidays Act 1993, the Occupational Health and Safety Act 2004, the Public Administration Act 2004 and the Parliamentary Administration Act 2005 and for other purposes'*; and the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.
- 4 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.
- 5 **LAW REFORM COMMITTEE** — The Speaker announced that she had received the resignation of Mr O'Donohue from the Law Reform Committee, effective from today.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Mortimer Park Horse Unloading Facility — Requesting that the House asks Parks Victoria to reinstate the safe horse unloading facility at Mortimer Park, bearing 64 signatures (*Ms Lobato*)

Natural Gas for Mirboo North — Requesting that the House expands the program of State Government assistance to the gas industry so that rural towns in Victoria such such as Mirboo North can have access to reticulated natural gas, bearing 149 signatures (*Mr Ryan*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 97 signatures (*Mr Crisp*)

Planning Amendment — Victoria Street in Sandringham — Requesting that the Government deletes all references to 47–49 Victoria Street, Sandringham in Amendment C75 to the Bayside Planning Scheme and rejects plans to implement inter-war and post-war heritage controls in the Sandringham electorate other than for voluntary listings and Council owned assets, bearing 2 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 7 **PETITION — PLANNING AMENDMENT — VICTORIA STREET IN SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 6 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Appropriation (2009/2010) Bill 2009

Appropriation (Parliament 2009/2010) Bill 2009

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009

Crimes Amendment (Identity Crime) Bill 2009

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009

Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009

Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009

Justice Legislation Amendment Bill 2009

Macedonian Orthodox Church (Victoria) Property Trust Bill 2009

State Taxation Acts Amendment Bill 2009

Superannuation Legislation Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2009–10 Budget Estimates Part One, Volumes One and Two, together with appendices and extracts from the proceedings.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Melbourne's Future Water supply, together with appendices, extracts from the proceedings, two minority reports and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority reports printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council Victoria — Report 2008 (two documents)

Major Events (Aerial Advertising) Act 2007 — Event Order under s 7

Parliamentary Committees Act 2003:

Government response to the Law Reform Committee's Report on the Inquiry into Property Investment Advisers and Marketeers

Government response to the Law Reform Committee's Report on the Inquiry into Vexatious Litigants

Government response to the Scrutiny of Acts and Regulations Committee's Report on the Inquiry into the Repeal of Certain Redundant Corporations Laws

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C89

Baw Baw — C67, C70

Campaspe — C44, C71

Cardinia — C98, C111

Casey — C93, C105

Corangamite — C24

Darebin — C95

Gannawarra — C25

Glenelg — C40

Greater Bendigo — C123

Greater Dandenong — C110

Greater Geelong — C154 Part 2, C182

Greater Shepparton — C124, C135

Horsham — C25 Part 2

Hume — C93

Knox — C66

Loddon — C25

Mansfield — C18

Maribyrnong — C67

Maroondah — C71, C81

Melton — C69

Mildura — C58

Moira — C60

Monash — C79

Moorabool — C43

Moreland — C98, C111

Mornington Peninsula — C125

Murrindindi — C21

South Gippsland — C48

Surf Coast — C27

Swan Hill — C22, C35

Towong — C18

Victoria Planning Provisions — VC56, VC57

Wellington — C26 Part 2

Whitehorse — C85

Wyndham — C122

Yarra Ranges — C81, C85

Private Security Act 2004 — Review of the Act under s 178 and Government response

Professional Standards Act 2003 — Engineers Australia (Victoria) Scheme under s 14 (*Gazette S119, 1 May 2009*)

Statutory Rules under the following Acts:

Aboriginal Heritage Act 2006 — SR 50
Alpine Resorts (Management) Act 1997 — SR 47
Children's Services Act 1996 — SR 53
Corporations (Ancillary Provisions) Act 2001 — SR 43
County Court Act 1958 — SR 56
Magistrates' Court Act 1989 — SR 49
Police Integrity Act 2008 — SR 45
Retirement Villages Act 1986 — SR 52
Road Safety Act 1986 — SRs 46, 48
Subordinate Legislation Act 1994 — SRs 54, 55
Supreme Court Act 1986 — SRs 42, 43, 44, 51

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 39, 42, 43, 44, 49, 55, 56
 Ministers' exemption certificates in relation to Statutory Rules 45, 46, 47
 Minister's infringements offence consultation certificate in relation to Statutory Rule 47

Wimmera Catchment Management Authority — Report 2007–08 (*in lieu of report previously tabled on Thursday 30 October 2008*).

- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Workplace Rights Advocate (Repeal) Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 12 May 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Human Services (Complex Needs) Bill 2009
 Transport Legislation Miscellaneous Amendments Bill 2008.

- 11 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009
 State Taxation Acts Amendment Bill 2009
 Superannuation Legislation Amendment Bill 2009.

- 12 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made, by leave, and question — That Mr Lim be appointed a member of the Economic Development and Infrastructure Committee (*Mr Batchelor*) — put and agreed to.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 June 2009:

Appropriation (Parliament 2009/2010) Bill 2009
 Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008
 State Taxation Acts Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Motion made and question proposed — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Batchelor*) — and, after debate —
- Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Motion made, by leave, and question — That the Member for Thomastown have leave to continue his speech when the debate is resumed (*Mr Batchelor*) — put and agreed to.
- 16 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time. Mr Ingram asked that his dissent be recorded.
- By leave, Bill immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 18 **APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until tomorrow.
- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 11 inclusive, be postponed until later this day.
- 21 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill considered in detail (*see pp 632–35*).

Business having been interrupted at 10.01 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail and agreed to without amendment, read a third time (*see pp 634–35*).

Bill sent to the Legislative Council and their agreement requested.

- 22 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — The Deputy Speaker announced that the Speaker had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 6, page 7, line 16, he has inserted the word 'a' before the word 'proceeding' so the line now reads '(3) It is a defence to a proceeding for a'.

- 23 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Parliamentary Salaries and Superannuation Amendment Bill 2009
Bushfires Royal Commission (Report) Bill 2009.

- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.47 pm.

No 119 — Wednesday 3 June 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Moorooduc Section of Frankston Bypass — Requesting that the Minister for Roads and Ports presents to the House the objections to the proposed Moorooduc section of the Frankston bypass, bearing 659 signatures (*Mr Burgess*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 528 signatures (*Mr Burgess*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 95 signatures (*Mr Crisp*)

Mornington Peninsula Mobile Intensive Care — Requesting that the House ensures that two officer crews are maintained for all mobile intensive care ambulances on the Mornington Peninsula, bearing 136 signatures (*Mr Morris*).

Petitions ordered to be tabled.

3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — MOOROODUC SECTION OF FRANKSTON BYPASS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

7 **PETITION — MORNINGTON PENINSULA MOBILE INTENSIVE CARE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Claims Management by the Victorian WorkCover Authority — Ordered to be printed

Governance and Fraud Control within Selected Adult Education Agencies — Ordered to be printed

Withdrawal of Infringement Notices — Ordered to be printed.

9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Trading and Other Acts Amendment Bill 2008 without amendment.

10 **MESSAGE FROM THE GOVERNOR** — Recommending a further appropriation for the purposes of the State Taxation Acts Amendment Bill 2009.

11 **ROAD SAFETY COMMITTEE** — The Speaker announced that she had received the resignation of Mr Mulder from the Road Safety Committee, effective from 2 June 2009.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN BUDGET** — The House was informed that Ms Richardson had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Government for making the tough choices needed in the recent budget to support Victorian jobs and protect the vital services which make Victoria the best place to live, work and raise a family.'

Ms Richardson addressed the House — Discussion followed.

14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Public Accounts and Estimates Committee's Report on the 2007–08 Financial and Performance Outcomes

Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

15 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

16 **QUESTIONS** — (Under SO 55).

17 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were disagreed with by the House. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 20 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 120 — Thursday 4 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING DIRECTOR, POLICE INTEGRITY** — The Speaker advised that, on 3 June 2009, she administered to Graham Leonard Ashton, Acting Director, Police Integrity, the oath required by s 16 of the *Police Integrity Act 2008*.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 20 signatures (*Dr Sykes*)
- Noise Abatement in Manningham** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Manningham, bearing 10 signatures (*Ms Wooldridge*)
- Roseville Retirement Village** — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Roseville Retirement Village on King Street, Doncaster East, bearing 6 signatures (*Ms Wooldridge*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 134 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 4 **PETITION — NOISE ABATEMENT IN MANNINGHAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 5 **PETITION — ROSEVILLE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 6 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **DOCUMENTS**

PRIVILEGES COMMITTEE — Mr Clark, Deputy Chair, presented a report from the Privileges Committee on the right of reply from Mr Dennis MacKinlay, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Police Integrity, Office of — Offers of gifts and benefits to Victoria Police employees — Ordered to be printed

Statutory Rules under the following Acts:

Rail Safety Act 2006 — SR 59

State Superannuation Act 1988 — SR 57

Subordinate Legislation Act 1994 — SR 58

Supreme Court Act 1986 — SR 60

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 60

Ministers' exemption certificates in relation to Statutory Rules 48, 59.

10 **PARLIAMENTARY COMMITTEES** — Motion made, by leave, and question — That Mr Tilley be appointed a member of the Road Safety Committee and Mrs Victoria be appointed a member of the Law Reform Committee (*Mr Batchelor*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 June 2009 had expired.

15 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive be agreed to and that the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 118, 119 and 120

No 118 — Tuesday 2 June 2009

**OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL (EMPLOYEE PROTECTION) BILL
2008**

Clauses 1 to 3 agreed to.

Clause 4, Mr Wells moved amendment No 1 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

Clause 5 agreed to.

Clause 6, Mr Wells moved amendment No 2 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Wells moved amendment No 3 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Wells moved amendment No 4 (*see Schedule*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Mr Wells moved amendment No 5 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

The Deputy Speaker advised that, as amendment No 5 had been defeated, amendment Nos 6, 7, 10, 13, 14 and 16 to 21 inclusive cannot be moved as they are consequential.

Mr Wells moved amendment No 8 (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

The Deputy Speaker advised that, as amendment No 8 had been defeated, amendment Nos 9, 11 and 12 cannot be moved as they are consequential.

Mr Wells moved amendment No 15 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Business having been interrupted at 10.01 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Clause agreed to.

Clauses 7 and 8 agreed to.

Question — That the House agrees to the Bill agreed to without amendment — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

SCHEDULE OF AMENDMENTS MOVED

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008

Amendments moved by Mr Wells

1. Clause 4, lines 11 to 18, omit all words and expressions on these lines.
2. Clause 6, page 4, lines 16 and 17, omit "an authorised representative of a registered employee organisation,".
3. Clause 6, page 4, lines 23 to 25, omit "an authorised representative of a registered employee organisation,".
4. Clause 6, page 4, line 33, omit "substantial" and insert "dominant".
5. Clause 6, page 5, lines 1 to 7, omit all words and expressions on these lines.
8. Clause 6, page 6, line 14, insert—
 - "(4) In fixing an amount of damages under this section, the Court must not fix an amount that exceeds—
 - (a) in the case of an employee, the total of the following amounts—
 - (i) the total amount of remuneration received by the employee or to which the employee was entitled (whichever is greater) for any period of employment with the employer during the period of 6 months immediately before the discriminatory conduct (other than any period of leave without full pay); and
 - (ii) if the employee was on leave without pay or without full pay while so employed during any part of that period, the amount of remuneration taken to have been received by the employee for the relevant period of leave;
 - (b) in the case of a prospective employee, the total amount of 6 months' remuneration that the prospective employee would have received or to which the prospective employee would have reasonably been entitled (whichever is greater) but for the discriminatory conduct."
15. Clause 6, page 7, line 5, omit "1 year" and insert "21 days".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 121, 122 and 123

No 121 — Tuesday 9 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the National Parks Act 1975 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the Food Act 1984 to reform the regulatory framework under the Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CASINO LEGISLATION AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **GAMBLING REGULATION AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 105 signatures (*Dr Sykes*)
 - Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 24 signatures (*Dr Sykes*)
 - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 22 signatures (*Mr Crisp*)
 - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 89 signatures (*Mr Crisp*)
 - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 1784 signatures (*Mr Scott*).

Petitions ordered to be tabled.

- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Major Events (Crowd Management) Act 2003* — Order declaring a Managed Access Area under s 7.
- The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:
- Liquor Control Reform Amendment (Enforcement) Act 2009* — Whole Act except s 8 — 2 June 2009 (*Gazette S163, 2 June 2009*).
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Crimes Amendment (Identity Crime) Bill 2009
Public Administration Amendment Bill 2008
Road Legislation Amendment Bill 2009
Transport Legislation General Amendments Bill 2008.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Licensing) Bill 2009 with amendments.
- Ordered — That the amendments be taken into consideration later this day.
- 15 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into manufacturing in Victoria be referred to the Economic Development and Infrastructure Committee for consideration and report no later than 30 June 2010 on the state of manufacturing in Victoria and, in particular, the Committee is requested to:
- (1) Explore the necessary criteria used by businesses to transfer offshore manufacturing to Victoria.
 - (2) Identify and report on the factors which influence businesses in determining whether to manufacture in Australia or overseas including the consideration of:
 - (a) the retention of intellectual property rights;
 - (b) maintaining consistent quality standards in line with both Federal and State laws;
 - (c) probity matters;

- (d) assistance and incentives provided by governments; and
- (e) the impact that the global deterioration in economic conditions in recent months will have on future decisions regarding manufacturing locations

(Mr Batchelor) — put and agreed to.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 June 2009:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009
Superannuation Legislation Amendment Bill 2009

(Mr Batchelor) — put, after debate, and agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 18 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority and a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.

- 20 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Ms Beattie)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Work (Commonwealth Powers) Bill 2009 without amendment.

- 22 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 23 **ADJOURNMENT** — The Deputy Speaker announced that the time for the adjournment of the House had arrived, and, after debate —

(Notice having been taken that a quorum of members was not present)

The Speaker, under SO 29, adjourned the House at 10.43 pm until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 122 — Wednesday 10 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 20 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 82 signatures (*Mr Crisp*).
- Petitions ordered to be tabled.
- 3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Connecting Courts — the Integrated Courts Management System — Ordered to be printed
Effectiveness of Drought Assistance Measures — Ordered to be printed
Implementing Victoria Police's Code of Practice for the Investigation of Family Violence — Ordered to be printed
- Ombudsman — *Whistleblowers Protection Act 2001*: Conflict of Interest and Abuse of Power by a Building Inspector at Brimbank City Council — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Bass Coast — C99

Baw Baw — C56 Part 1, C64 Part 1
 Bayside — C44
 East Gippsland — C65
 Frankston — C50
 Glen Eira — C79
 Golden Plains — C41
 Horsham — C37
 Moira — C37, C41
 Pyrenees — C18
 Queenscliffe — C18
 Whitehorse — C87
 Wyndham — C109
 Yarra Ranges — C71, C84

Statutory Rules under the following Acts:

Country Fire Authority Act 1958 — SR 64
Infringements Act 2006 — SR 61
Metropolitan Fire Brigades Act 1958 — SR 63
Transfer of Land Act 1958 — SR 62

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 62
 Ministers' exemption certificates in relation to Statutory Rules 57, 61, 63, 64.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009 without amendment.

7 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Bushfires Royal Commission (Report) Bill 2009
 Fair Trading and Other Acts Amendment Bill 2008
 Parliamentary Salaries and Superannuation Amendment Bill 2009
 Workplace Rights Advocate (Repeal) Bill 2008.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

- 11 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 13 **GAMBLING REGULATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

- 16 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

On the motion of Mr Robinson and, after debate — Amendment Nos 1 to 17 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 18 agreed to with an amendment and a consequential amendment made to the Bill.

On the motion of Mr Robinson and, after debate — Amendment Nos 19 to 36 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 37 agreed to with amendments and a consequential amendment made to the Bill.

On the motion of Mr Robinson — Amendment No 38 agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 39 agreed to with amendments and consequential amendments made to the Bill.

On the motion of Mr Robinson — Amendment Nos 40 to 46 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 47 agreed to with amendments and consequential amendments made to the Bill.

On the motion of Mr Robinson — Amendment Nos 48 to 66 inclusive agreed to.

Message sent to the Legislative Council informing them accordingly.

17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, the government business program agreed to by this House on 9 June 2009 be amended by adding the Order of the Day, Government Business, relating to the Appropriation (2009/2010) Bill 2009 (*Mr Batchelor*) — put and agreed to.

18 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

20 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 123 — Thursday 11 June 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 35 signatures (*Dr Sykes*)

Hailing Taxis — Requesting that the House opposes the proposal to ban hailing taxis off the street in the Melbourne central business district on Friday and Saturday nights, bearing 343 signatures (*Mr Herbert*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 20 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 121 signatures (*Mr Crisp*)

Colac Bypass — Requesting that the House considers a causeway across Lake Colac as a bypass option for heavy vehicles in Colac, bearing 108 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

4 **PETITION — HAILING TAXIS** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Herbert*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **ROAD LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following correction in the Bill:

In Clause 50, line 9, he has deleted 'section' (where secondly occurring) so the line now reads "'section 176(3) or 176(4)" **substitute**'.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 June 2009 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **APPROPRIATION (2009/2010) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 June 2009 and as amended on Wednesday 10 June 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendments made by the Legislative Assembly to the amendments of the Council and agreeing to the consequential amendments made by the Assembly to the Gambling Regulation Amendment (Licensing) Bill 2009.
- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2009 without amendment.
- 16 **CASINO LEGISLATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 25 June 2009.
- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 124, 125 and 126

No 124 — Tuesday 23 June 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in a Bill *for an Act to amend the Courts Legislation (Neighbourhood Justice Centre) Act 2006 and the Family Violence Protection Act 2008 and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Mr Andrews obtained leave to bring in a Bill *for an Act to amend the Tobacco Act 1987 and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **HUMAN TISSUE AMENDMENT BILL 2009** — Mr Andrews obtained leave to bring in a Bill *for an Act to amend the Human Tissue Act 1982 and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Helper obtained leave to bring in a Bill *for an Act to amend the Primary Industries Legislation Amendment Act 2009 to change the dates of operation of various provisions of that Act and for other purposes*; and the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.
- 7 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 578, 767 and 209 signatures (*Dr Sykes, Mr Delahunty and Mr Crisp respectively*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 14 signatures (*Dr Sykes*)

Noise Abatement in Donvale — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 7 signatures (*Ms Wooldridge*)

Torquay Foreshore Caravan Park — Requesting that the House asks the Minister for Environment and Climate Change to review the recent changes introduced to the Torquay Foreshore Caravan Park for Crown Land use, and to preserve existing arrangements, bearing 14 signatures (*Ms Wooldridge*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 15 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 87 signatures (*Mr Crisp*)

Connex Contract — Requesting that Connex not be given a new contract to run Melbourne's suburban rail network, and the Government takes back the running of Melbourne's suburban trains, bearing 99 signatures (*Mr Wynne*)

Bunch Cycling — Requesting that the House calls upon the Government to ban all bunch cycling until research has been completed into a safe bunch cycling model which the cycling community must adhere to by law, bearing 23 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 9 **PETITION — NOISE ABATEMENT IN DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 10 **PETITION — TORQUAY FORESHORE CARAVAN PARK** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 11 **PETITION — BUNCH CYCLING** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

18 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 7 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Casino Legislation Amendment Bill 2009
 Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009
 Fair Work (Commonwealth Powers) Bill 2009
 Food Amendment (Regulation Reform) Bill 2009
 Gambling Regulation Amendment Bill 2009
 National Parks Amendment (Point Nepean) Bill 2009
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Glenfern Valley Bushland Reserve
 Queens Park Reserve
 Sandringham Beach Park Reserve

Essential Services Commission — Review of Victorian Grain Handling and Storage Access Regime

Multicultural Victoria Act 2004 — Victorian Government Achievements in Multicultural Affairs Report 2007–08

Parliamentary Committees Act 2003 — Government response to the Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C118
 Bass Coast — C92, C107
 Bayside — C49
 Campaspe — C67
 Cardinia — C128, C131
 Casey — C140
 Colac Otway — C17, C55
 East Gippsland — C62
 Golden Plains — C40 Part 1
 Greater Bendigo — C112
 Greater Dandenong — C105
 Greater Shepparton — C109
 Kingston — C96, C98, C102, C104
 Latrobe — C3, C63

Macedon Ranges — C56
 Moreland — C93
 Moyne — C35 Part 1
 Strathbogie — C45
 Whitehorse — C118
 Whittlesea — C112
 Wodonga — C46
 Yarra — C105

Statutory Rules under the following Acts:

Country Fire Authority Act 1958 — SR 67
Crimes Act 1958 — SR 65
Road Safety Act 1986 — SR 68
Sentencing Act 1991 — SR 66

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 67.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Planning Legislation Amendment Bill 2009.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Sporting Events Bill 2009 without amendment.
- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- On 17 June 2009
 Crimes Amendment (Identity Crime) Bill 2009
 Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009
 Fair Work (Commonwealth Powers) Bill 2009
 Justice Legislation Amendment Bill 2009
 Public Administration Amendment Bill 2008
 Road Legislation Amendment Bill 2009
 Transport Legislation General Amendments Bill 2008
- On 23 June 2009
 Gambling Regulation Amendment (Licensing) Bill 2009
 Major Sporting Events Bill 2009.
- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Food Amendment (Regulation Reform) Bill 2009
 Gambling Regulation Amendment Bill 2009
 National Parks Amendment (Point Nepean) Bill 2009.
- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following correction in the Bill:

In Clause 44, line 16, he has deleted '4.5.10' and inserted '4.5A.10'.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 June 2009:

Crown Land Acts Amendment (Lease and License Terms) Bill 2009
 Food Amendment (Regulation Reform) Bill 2009
 Gambling Regulation Amendment Bill 2009
 Legislation Reform (Repeals No. 4) Bill 2009
 National Parks Amendment (Point Nepean) Bill 2009
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 25 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 26 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Superannuation Legislation Amendment Bill 2009 without amendment.
- 28 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 29 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 30 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 125 — Wednesday 24 June 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 274 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 123 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 18 signatures (*Mr Crisp*)

Wangaratta Greyhound Racing Club — Requesting that the House strongly supports the immediate stay of proceedings in relation to the closure of the Greyhound Racing Club in Wangaratta to allow for the investigation of all options for continued facilities for greyhound racing at Wangaratta, bearing 1602 signatures (*Mr Jasper*)

Masters Landing Eviction — Requesting that the House allows the Masters family to continue living in and maintaining family homes and heritage at Masters Landing in the Gunbower Forest, bearing 1530 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — WANGARATTA GREYHOUND RACING CLUB** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

7 **PETITION — MASTERS LANDING EVICTION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

8 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on Notification of a New Inquiry into Victoria's *Audit Act 1994*.

Ordered to be tabled and printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into Improving Access to Victorian Public Sector Information and Data, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Buy-back of the Regional Intrastate Rail Network — Ordered to be printed

Funding of the Home and Community Care Program — Ordered to be printed

International Students: risks and responsibilities of universities — Ordered to be printed

Melbourne's New Bus Contracts — Ordered to be printed.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009

Occupational Health and Safety Amendment (Employee Protection) Bill 2008

State Taxation Acts Amendment Bill 2009.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LEVEL CROSSING SAFETY** — The House was informed that Mr Mulder had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the State Labor Government for its inadequate response of 18 June 2009 to the Road Safety Committee's inquiry into improving level crossing safety.'

Mr Mulder addressed the House — Discussion followed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two.

- 13 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 and recovery scheme to be administered by the Environment Protection Authority and for other purposes*'.

The Speaker advised that, following examination, she is of the opinion that the Bill is a direct infringement of the privileges of the House, in that it seeks to impose a beverage container environmental levy; s 62 of the *Constitution Act 1975* requires a bill which imposes any duty, rate, tax, rent, return or impost to originate in the Legislative Assembly.

Ordered — That the message be taken into consideration immediately.

- 17 **ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That the Bill be returned to the Legislative Council with a message advising that the Legislative Assembly refuses to entertain the Bill as it seeks to impose a levy which is unlawful, being the exclusive power of the Legislative Assembly as set out in the *Constitution Act 1975 (Mr Batchelor)* — after debate — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 18 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Pandazopoulos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 126 — Thursday 25 June 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 150, 382, 246 and 79 signatures (*Dr Sykes, Mr Delahunty, Mr Crisp and Mr Jasper respectively*)

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 2 signatures (*Dr Sykes*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 7 signatures (*Dr Sykes*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 13 and 14 signatures (*Mr Tilley and Mr Blackwood respectively*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 559 signatures (*Mr Burgess*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 207 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Sand Road Intersection, Longwarry — Requesting that the House directs the Government to take immediate action in upgrading the intersection of Sand Road and Princes Freeway at Longwarry, to incorporate slipway and flyover access onto the Princes Freeway, bearing 490 signatures (*Mr Blackwood*)

Ombudsman Office Procedure — Requesting that the House reviews the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to ensure that public officers are fully accountable, open, transparent and fair in their dealings with the public, and to ensure disciplinary procedures for breaches of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*)

Torquay Foreshore Caravan Park — Requesting that the House asks the Minister for Environment and Climate Change to review the recent changes introduced to the Torquay Foreshore Caravan Park for Crown Land use, and to preserve existing arrangements, bearing 1876 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 9 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS**
- STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2008 to April 2009 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Batchelor*) — put and agreed to.
- VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of inquiries into the deaths of children known to Child Protection 2009 be tabled (*Ms Neville*) — put and agreed to.
- DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 31 March 2009 and 24 June 2009 — Ordered to be printed.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2009/2010) Bill 2009 without amendment.
- 15 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 July 2009 (*Mr Batchelor*) — put and agreed to.
- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 9 July 2009.
- 18 **HUMAN TISSUE AMENDMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 July 2009.

- 19 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 July 2009.

- 20 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 and 6, be postponed until later this day.

- 22 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 23 **QUESTIONS** — (Under SO 55).

- 24 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments disagreed with by the Legislative Assembly to the Primary Industries Legislation Amendment Bill 2008.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Legislation Further Amendment Bill 2009 without amendment.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Duties Amendment Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 28 **DUTIES AMENDMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

Motion made and question — That the amendments be agreed to (*Mr Holding*) — after debate, put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 29 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 June 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 30 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 33 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 127, 128 and 129

No 127 — Tuesday 28 July 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Water Act 1989** to remove the non water user limit and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the **Local Government Act 1989** to provide for conflicting duties of persons who are or want to be Councillors and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the **Cemeteries and Crematoria Act 2003** to further provide for the management and constitution of cemetery trusts and make other miscellaneous amendments to that Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the **Control of Weapons Act 1990**, the **Corrections Act 1986**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Family Violence Protection Act 2008**, the **Firearms Act 1996**, the **Legal Aid Act 1978**, the **Liquor Control Reform Amendment (Enforcement) Act 2009**, the **Major Crime Legislation Amendment Act 2009**, the **Police Integrity Act 2008**, the **Police Regulation Act 1958**, the **Road Safety Act 1986**, the **Sex Offenders Registration Act 2004**, the **Stalking Intervention Orders Act 2008**, the **Witness Protection Act 1991** and the **Working with Children Act 2005** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Racing Act 1958** and the **Gambling Regulation Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Supreme Court Act 1986**, the **County Court Act 1958**, the **Magistrates' Court Act 1989** and the **Children, Youth and Families Act 2005** to clarify that judicial immunity applies to judges, associate judges and magistrates when carrying out judicial resolution conferences and to further provide for the conduct of those processes by judges, associate judges and magistrates and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time immediately.
- 9 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Mr Hulls tabled a statement of compatibility in accordance with the **Charter of Human Rights and Responsibilities Act 2006**.

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 11 August 2009.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Hampton Street, Brighton — Requesting that the House gives its full support for a pedestrian crossing to be installed in Hampton Street at the Dendy Village Shopping Centre in Brighton, bearing 846 signatures (*Ms Asher*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 164, 30, 14, 37, 165, 30, 14, 70 and 120 signatures (*Mr Perera, Mrs Maddigan, Ms Thomson (Footscray), Dr Harkness, Mr Delahunty, Mr Northe, Ms Morand, Ms Graley and Mr Smith (Warrandyte) respectively*)

Reconciliation Victoria — Requesting that the Government demonstrates its support for the process of reconciliation throughout Victoria by providing independent funding to Reconciliation Victoria for reconciliation work, bearing 153 signatures (*Mr Tresize*)

Alternatives to Goulburn Valley Pipeline — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 40 signatures (*Mr Hodgett*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 511 signatures (*Mr Delahunty*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 857 signatures (*Mr Northe*)

Religious Exemptions in the Equal Opportunity Act 1995 — Requesting that the House ensures that Victorians will continue to enjoy the freedom of choice the current exemptions provide for and that the three religious exemptions (sections 75, 76 and 77) in the *Equal Opportunity Act 1995* be kept without change, bearing 32 signatures (*Ms Morand*)

Ranger Presence at Mt Eccles National Park — Requesting that the House immediately ensures a ranger is present daily at the Mt Eccles visitor and camping facilities, bearing 442 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

11 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 13 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 15 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2008, Regulations 2008 from the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Jasper*) — put and agreed to.

Ordered to be printed.

EDUCATION AND TRAINING COMMITTEE — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 8 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Sunset Provisions) Bill 2009
 Energy Legislation Amendment Bill 2009
 Human Tissue Amendment Bill 2009
 Primary Industries Legislation Further Amendment Act 2009
 Residential Tenancies Amendment (Housing Standards) Bill 2009
 Superannuation Legislation Amendment Bill 2009
 Tobacco Amendment (Protection of Children) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Geelong Telegraph Station Reserve
 Kardinia Park Reserve

Old Springfield Cheese Factory Reserve
 Sandringham Beach Park Reserve (two orders)
 Yarra Park

Essential Services Commission — Review of Victorian Ports Regulation

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Benalla — C4 Part 1
 Boroondara — C95
 Brimbank — C112 Part 1
 Campaspe — C68
 Cardinia — C105 Part 2, C119
 Central Goldfields — C16
 East Gippsland — C64, C73, C74
 Glen Eira — C63
 Glenelg — C41
 Golden Plains — C44, C47
 Greater Dandenong — C107
 Greater Geelong — C145, C172, C174, C180, C181
 Horsham — C45
 Indigo — C38
 Kingston — C80
 Latrobe — C42, C61
 Manningham — C82
 Melton — C89, C93
 Mildura — C54
 Moira — C44, C52
 Moonee Valley — C81
 Nillumbik — C48
 Northern Grampians — C30
 Pyrenees — C24
 South Gippsland — C47
 Stonnington — C58
 Warrnambool — C53
 Wellington — C61
 Whittlesea — C41 Part 3, C112
 Wodonga — C49
 Wyndham — C118 Part 1
 Yarra — C125

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Road Management Act 2004 — Order under Schedule 5A (*Gazette S242, 14 July 2009*)

Statutory Rules under the following Acts:

Accident Towing Services Act 2007 — SR 80

Building Act 1993 — SRs 79, 82

Chattel Securities Act 1987 — SR 75

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 — SR 69

Disability Act 2006 — SR 76
Environment Protection Act 1970 — SR 77
Fundraising Act 1998 — SR 72
Magistrates' Court Act 1989 — SR 83
National Parks Act 1975 — SR 81
Road Safety Act 1986 — SRs 73, 74
Supreme Court Act 1986 — SR 70
Trade Measurement Act 1995 — SR 71
Trade Measurement (Administration) Act 1995 — SR 71
Transport Act 1983 — SR 84
Zoological Parks and Gardens Act 1995 — SR 78

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 70, 73, 74, 75, 78, 79, 81, 83
 Ministers' exemption certificates in relation to Statutory Rules 68, 71, 72, 76, 80
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 72, 80.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Crimes Amendment (Identity Crime) Act 2009 — Whole Act except Parts 3 and 4 — 16 July 2009 (*Gazette G29, 16 July 2009*)
Energy Legislation Amendment (Australian Energy Market Operator) Act 2009 — Whole Act — 1 July 2009 (*Gazette S222, 30 June 2009*)
Fair Work (Commonwealth Powers) Act 2009 — Schedule — 23 June 2009 (*Gazette S196, 23 June 2009*); Remaining provisions other than Part 3 — 1 July 2009 (*Gazette S227, 1 July 2009*); Part 3 — 2 July 2009 (*Gazette S230, 2 July 2009*)
Public Administration Amendment Act 2009 — Part 2 — 8 July 2009 (*Gazette S233, 7 July 2009*).

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2009/2010) Bill 2009 without amendment.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry Amendment (Premium Solar Feed-In Tariff) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

19 **APPROPRIATION (2009/2010) BILL 2009 — APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — The Speaker announced that on 30 June 2009, she had presented to the Governor, the Appropriation (2009/2010) Bill 2009 and the Appropriation (Parliament 2009/2010) Bill 2009 to which the Governor had been pleased to give the royal assent.

20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 June 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008
 Primary Industries Legislation Amendment Bill 2008
 Primary Industries Legislation Further Amendment Bill 2009
 State Taxation Acts Amendment Bill 2009
 Superannuation Legislation Amendment Bill 2009.

21 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 7 July 2009, given the royal assent to the Duties Amendment Bill 2009,

presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Courts Legislation Amendment (Sunset Provisions) Bill 2009
Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 30 July 2009:

Children Legislation Amendment Bill 2009
Courts Legislation Amendment (Sunset Provisions) Bill 2009
Human Tissue Amendment Bill 2009
Tobacco Amendment (Protection of Children) Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 24 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 25 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Eren*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **HUMAN TISSUE AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 128 — Wednesday 29 July 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 56 signatures (*Dr Sykes*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 389, 106 and 507 signatures (*Dr Sykes, Mr Crisp, and Mr Jasper respectively*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 86 and 33 signatures (*Mr Clark and Mr Dixon respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 115 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Refuse Transfer Station, Springvale — Requesting that the House takes appropriate action to defeat permit application number PLN 08/0410 made to the City of Greater Dandenong to construct a refuse transfer station at Clarke Street, Springvale, bearing 104 signatures (*Ms Munt*)

Southern Peninsula Aquatic Centre — Requesting that the House instructs the Department of Sustainability and Environment to immediately grant coastal consent to allow the planning and construction of the Southern Peninsula Aquatic Centre in Rosebud, bearing 523 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — SOUTHERN PENINSULA AQUATIC CENTRE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

- 5 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Warrandyte on Tuesday 28 July 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Ombudsman — An investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Casey — C72, C110
 Greater Shepparton — C108
 Manningham — C74
 Mildura — C53
 Warrnambool — C58
 Whitehorse — C100, C101, C102
- Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 84
- Victorian Law Reform Commission — Jury Directions — Ordered to be printed.
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Food Amendment (Regulation Reform) Bill 2009
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

15 **STATEMENTS BY MEMBERS** — Statements by members were made.

16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SECOND ANNIVERSARY OF BRUMBY GOVERNMENT** — The House was informed that Mr Donnellan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the second anniversary of the Brumby Government and congratulates the Government on another year of action supporting jobs, improving essential services and creating a fairer Victoria.'

Mr Donnellan addressed the House — Discussion followed.

17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

18 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

Primary Industries Legislation Amendment Bill 2008 — Resumption of debate on the question — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

(Mr Batchelor) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

19 **QUESTIONS** — (Under SO 55).

20 **ORDER OF THE DAY DISCHARGED** — Debate resumed on question — That the following Order of the Day, Government Business, be read and discharged:

Primary Industries Legislation Amendment Bill 2008 — Resumption of debate on the question — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly — put and agreed to.

21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — *a point of order having been taken on the admissibility of the proposed motion to refer the Bill to the Dispute Resolution Committee, the Speaker reserved her decision and, pending her ruling, the motion was not moved.*

22 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 24 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 25 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 26 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 27 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

- 28 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 August 2009.

- 29 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public' (*Mr Clark*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Neville announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

- 31 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 129 — Thursday 30 July 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 14, 44, 21, 258 and 90 signatures (*Mr Tilley, Mr Clark, Mr Carli, Mr Hodgett and Mr Blackwood respectively*)

Religious Exemptions and Exceptions — Requesting that the House — (a) makes no change to the religious exceptions under the *Equal Opportunity Act 1995*; and (b) opposes any expansion of powers for the Equal Opportunity Commission, bearing 86 signatures (*Mr Wakeling*)

Church Organisations — Equal Opportunity Laws — Requesting that the House makes no changes to the *Equal Opportunity Act 1995* particularly applying to faith-based schools, bearing 17 signatures (*Mr Wakeling*)

Faith-Based Schools — Requesting that the House stands against the removal of part or all of the current protections for faith-based schools, bearing 23 signatures (*Mr Wakeling*)

Religious Freedoms — Requesting that the House ensures Victorians in future will continue to enjoy the freedom of choice the current religious exemptions provide in the *Equal Opportunity Act 1995*, bearing 16 signatures (*Ms Marshall*)

Sexually Explicit Advertising — Requesting that the House adheres to the request to ban advertisements on billboards, vehicles and in public spaces which — (a) advertise adult nightclubs, prostitution services, sex aids and other sex shop merchandise; (b) demean women and men; (c) use

implied or explicit sexual images or words which risk distracting motor vehicle drivers' attention; and (d) expose children to inappropriate adult material, bearing 3213 signatures (*Ms Kairouz*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 126 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 114 signatures (*Mr Crisp*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 175 signatures (*Mr Jasper*)

Growth Area Infrastructure Contribution in Gippsland — Requesting that the Minister for Planning revokes the proposed legislation to ensure that landowners are not affected by the proposed growth areas infrastructure contribution in regional growth areas such as in Gippsland, bearing 47 signatures (*Mr Blackwood*)

Cold Burns at Barmah Forest — Requesting that the House allows an independent and scientifically credible organisation to conduct an audit into the ecological outcomes from the cold burns in Barmah Forest in October 2008, bearing 154 signatures (*Mr Weller*)

Traffic Safety in Ringwood — Requesting that the House immediately acts to — (a) position speed limit signs along the Maroondah Highway between the Ringwood bypass and Wingrove Place; and (b) lengthen the cycle of the right-hand turn signal from Maroondah Highway into Oliver Street in Ringwood, bearing 22 signatures (*Mr Smith, Warrandyte*)

Hobsons Bay Planning Scheme — Requesting that the House — (a) stops amendment C75 to the City of Hobsons Bay Planning scheme; and (b) legislates to maintain existing height controls in the area, bearing 3078 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

- 3 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — TRAFFIC SAFETY IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

- 7 **PETITION — RELIGIOUS EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 8 **PETITION — CHURCH ORGANISATIONS — EQUAL OPPORTUNITY LAWS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 9 **PETITION — FAITH-BASED SCHOOLS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 10 **PETITION — HOBSONS BAY PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 11 **PETITION — COLD BURNS AT BARMAH FOREST** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 13 **PETITION — GROWTH AREA INFRASTRUCTURE CONTRIBUTION IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 14 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 15 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 16 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

17 **DOCUMENTS**

ELECTORAL MATTERS COMMITTEE — Mr O'Brien, Deputy Chair, presented a report from the Electoral Matters Committee on the Inquiry into Voter Participation and Informal Voting, together with appendices, extracts from the proceedings, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority report printed.

STANDING ORDERS COMMITTEE — Ms Barker presented a report from the Standing Orders Committee on Recommendations from the Public Accounts and Estimates Committee's *Report on the Inquiry into Strengthening Government and Parliamentary Accountability in Victoria* — Interim Response, together with an appendix.

Ordered to be tabled and printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Police Integrity, Office of — Review of the Use of Force by and against Victorian police — Ordered to be printed.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 August 2009 (*Ms Neville*) — put and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

22 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

23 **QUESTIONS** — (Under SO 55).

[The Speaker having left the Chair at 2.16 pm, resumed it at 2.24 pm]

24 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Resumption of debate on question — That this bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

26 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this 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 the words 'this House refuses to read this Bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public'; debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **HUMAN TISSUE AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 July 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 130, 131 and 132

No 130 — Tuesday 11 August 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to refer certain matters relating to security interests in personal property to the Parliament of the Commonwealth for the purposes of section 51(xxvii) of the Constitution of the Commonwealth*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Electricity Industry Act 2000**, the **Electricity Safety Act 1998**, the **Electricity Safety Amendment Act 2007**, the **Gas Industry Act 2001**, the **Gas Safety Act 1997**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Resources Industry Legislation Amendment Act 2009**, the **Petroleum Act 1998**, the **Aboriginal Heritage Act 2006** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to make miscellaneous amendments to the **Gambling Regulation Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** in relation to licensing and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the **Local Government Act 1989** and the **City of Melbourne Act 2001** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 117 and 73 signatures (*Dr Sykes and Mr Crisp respectively*)
 - Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 50 signatures (*Dr Sykes*)
 - Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of

kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 17 signatures (*Dr Sykes*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 23 signatures (*Mr Perera*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 127 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 26 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

15 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 9 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Cemeteries and Crematoria Amendment Bill 2009
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009
 Local Government Amendment (Conflicting Duties) Bill 2009
 Occupational Health and Safety Amendment (Employee Protection) Bill 2009
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009
 Water Amendment (Non Water User Limit) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 71 (*Gazette G31, 30 July 2009*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Melbourne Cricket Ground Trust — Report year ended 31 March 2009

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C134, C136
 Bass Coast — C94, C102
 Buloke — C21
 Cardinia — C108
 Casey — C83, C124
 Gannawarra — C23, C27
 Greater Dandenong — C80
 Greater Geelong — C162
 Latrobe — C51
 Macedon Ranges — C46
 Melbourne — C148, C149
 Mitchell — C70
 Monash — C57, C70, C100
 Mornington Peninsula — C89
 Mount Alexander — C47
 Moyne — C27, C37
 Port Phillip — C69
 Surf Coast — C45
 Swan Hill — C37
 Whitehorse — C93
 Wyndham — C125
 Yarriambiack — C13

Statutory Rule under the *Associations Incorporation Act 1981* — SR 85

Subordinate Legislation Act 1994:

Minister's exemption certificate in relation to Statutory Rule 85

Minister's infringements offence consultation certificate in relation to Statutory Rule 85.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Primary Industries Legislation Amendment Act 2009 — Section 107 — 1 September 2009 (*Gazette G32, 6 August 2009*)

Transport Legislation General Amendments Act 2009 — Whole Act except Part 5 — 31 July 2009 (*Gazette S259, 28 July 2009*).

- 16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009
Legislation Reform (Repeals No. 4) Bill 2009.

- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 August 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009
Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009
Food Amendment (Regulation Reform) Bill 2009
Gambling Regulation Amendment Bill 2009
Legislation Reform (Repeals No. 4) Bill 2009
Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009.

- 18 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Cemeteries and Crematoria Amendment Bill 2009
Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 August 2009:

Casino Legislation Amendment Bill 2009
Cemeteries and Crematoria Amendment Bill 2009
Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009
Local Government Amendment (Conflicting Duties) Bill 2009
Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009
Water Amendment (Non Water User Limit) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Motion made and question — That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 22 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

National Parks Amendment (Point Nepean) Bill 2009
Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation Amendment (Sunset Provisions) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 24 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 25 August 2009.

- 25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 26 **CASINO LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until:

- (a) there has been a full social and economic impact study into the proposed expansion of the casino and the report on such study has been made available for consideration by the Parliament; and
- (b) the Government's analysis of the likely financial benefits to the Melbourne Casino of the Ninth Deed of Variation and associated arrangements is made available for consideration by the Parliament' (*Mr O'Brien*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

No 131 — Wednesday 12 August 2009

1 The Speaker took the Chair and read the Prayer.

2 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Mr Pallas obtained leave to bring in a Bill *'for an Act to facilitate the development of major transport projects and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Cann Valley Community Kindergarten — Requesting that the House directs the Government to remove the Cann Valley kindergarten from management by RFS/Uniting Care to the Department of Education and Early Childhood Development, making it part of the Cann River P-12 College, bearing 530 signatures (*Mr Ingram*)

Public Land and Fire Management Practices — Requesting that the House calls upon the Government to fully implement the recommendations of the Environment and Natural Resources Committee's report into public land management, bearing 657 signatures (*Mr Ingram*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 91 and 426 signatures (*Mr Crisp and Mr Weller respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 135 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 23 signatures (*Mr Crisp*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 83 signatures (*Mr Wells*).

Petitions ordered to be tabled.

4 **PETITION — CANN VALLEY COMMUNITY KINDERGARTEN** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

5 **PETITION — PUBLIC LAND AND FIRE MANAGEMENT PRACTICES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

6 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 8 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Education and Training Reform Act 2006* — Ministerial Order under s 5.10.6
- Ombudsman — A report of investigations into the City of Port Phillip — Ordered to be printed
- Surveyor-General — Report 2008–09 on administration of the *Survey Co-ordination Act 1958*.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People
- Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education
- Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply
- Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data
- Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*, Options Paper.
- 15 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 August 2009.
- 16 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 August 2009.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

18 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 August 2009.

19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 11 August 2009 be amended by omitting the Order of the Day, Government Business, relating to the Cemeteries and Crematoria Amendment Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crutchfield*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

22 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

23 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 132 — Thursday 13 August 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Eastwood Primary School — Requesting that the Government prioritises Eastwood Primary School for a complete upgrade/rebuild as a matter of urgency, bearing 243 signatures (*Mr Hodgett*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 107 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 161 signatures (*Mr Crisp*)

Red Cliffs Police Station — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 11 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — EASTWOOD PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 8 **PARLIAMENTARY COMMITTEES**— Motion made, by leave, and question — That:
- (1) Under s 33 of the *Parliamentary Committees Act 2003*, the following matters be referred to the joint investigatory committees specified:
 - (a) to the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 30 June 2010 into people trafficking for sex work including:
 - (i) the extent and nature of trafficking people for the purposes of sex work into Victoria from overseas;
 - (ii) the inter-relationship (if any) between the unlicensed and licensed prostitution sectors in Victoria, and trafficking for the purposes of sex work;
 - (iii) the current and proposed intergovernmental and international strategies and initiatives in relation to dealing with trafficking for the purposes of sex work; and
 - (iv) the need for policy and legislative reform to combat trafficking for the purposes of sex work, in Victoria;
 - (b) to the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report no later than 31 August 2010 into farmers' markets — and the Committee should:
 - (i) identify the types of farmers' markets operating in interface municipalities and peri-urban areas;
 - (ii) investigate the history and growth potential of this form of retail/agricultural activity and the demand created for products sourced from interface and peri-urban areas;
 - (iii) examine the structure, codes of practice, strategic planning and economic viability of farmers' markets and any barriers or impediments to their development and long term growth;
 - (iv) examine how farmers' markets can contribute to increasing the viability of small scale farming enterprises located in the interface and peri-urban municipalities, especially in the designated 'Green Wedge' zoned land; and
 - (v) identify any barriers to access farmers' markets for producers to supply or retail at these markets.
 - (2) The resolution of the House of 4 December 2008 providing that the Law Reform Committee be required to present its report, on law reforms aimed at streamlining and simplifying powers of attorney documents, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 August 2010

(*Mr Batchelor*) — put and agreed to.

- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 1 September 2009 (*Mr Batchelor*) — put and agreed to.
- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).
- Mr Pallas made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 27 August 2009.
- 12 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 14 **QUESTIONS** — (Under SO 55).
- 15 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.
- 17 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 11 August 2009 and as amended on Wednesday 12 August 2009 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **CASINO LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this 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 the words 'this House refuses to read this Bill a second time until —

- (a) there has been a full social and economic impact study into the proposed expansion of the casino and the report on such study has been made available for consideration by the Parliament; and
- (b) the Government's analysis of the likely financial benefits to the Melbourne Casino of the Ninth Deed of Variation and associated arrangements is made available for consideration by the Parliament'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Grale; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 3 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 August 2009.

- 22 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 August 2009.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 24 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 133, 134 and 135

No 133 — Tuesday 1 September 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF CHARLES HUGH FRANCIS AND ALEXANDER THOMAS EVANS** — The Speaker announced the death of Charles Hugh Francis, Member of the Legislative Assembly for the Electoral District of Caulfield from 1976 to 1979; and the death of Alexander Thomas Evans, Member of the Legislative Assembly for the Electoral District of Ballarat North from 1960 to 1988; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to amend the Victorian Renewable Energy Act 2006 as a result of the expansion of the Commonwealth renewable energy target scheme and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LAND LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to amend the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004, the Geographic Place Names Act 1998 and the Forests Act 1958 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VALUATION OF LAND AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to amend the Valuation of Land Act 1960, to make consequential amendments to other Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Ms Pike obtained leave to bring in a Bill *'for an Act to amend the Education and Training Reform Act 2006 in relation to the compulsory school age and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - West Heidelberg Area Police Station** — Requesting that the House keeps an adequately staffed police station in the West Heidelberg area with reactive operational police members to undertake local patrols and provide service delivery through local knowledge, bearing 693 signatures (*Mr Langdon*)
 - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 131 signatures (*Mr Crisp*)
 - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 149 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 and 278 signatures (*Mr Crisp and Mr Weller respectively*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 101 signatures (*Mr Northe*)

Review of Patient Transport Assistance Scheme — Requesting that the Government undertakes a review of the Victorian patient transport assistance scheme to ensure fair eligibility criteria for country Victorians, bearing 32 signatures (*Mr Weller*)

Harris Gully Road School Crossing — Requesting that the House installs a road speed limit of 40 km per hour on Harris Gully Road, Warrandyte during school times, bearing 778 signatures (*Mr Smith, Warrandyte*)

Public and Social Housing in Ringwood — Requesting that the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood, pending a thorough consultation period with the community, bearing 3755 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 9 **PETITION — HARRIS GULLY ROAD SCHOOL CROSSING** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 10 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 11 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — REVIEW OF PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 13 **PETITION — WEST HEIDELBERG AREA POLICE STATION** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Langdon*) — put and agreed to.
- 14 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 16 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 10 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Sunset Provisions) Bill 2009
 Energy and Resources Legislation Amendment Bill 2009
 Gambling Regulation Further Amendment Bill 2009
 Human Tissue Amendment Bill 2009
 Justice Legislation Further Amendment Bill 2009
 Liquor Control Reform Amendment (Licensing) Bill 2009
 Local Government Amendment (Offences and Other Matters) Bill 2009
 Major Transport Projects Facilitation Bill 2009
 Personal Property Securities (Commonwealth Powers) Bill 2009
 Tobacco Amendment (Protection of Children) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Bushfires Royal Commission (Report) Act 2009 — 2009 Victorian Bushfires Royal Commission Interim Report, August 2009 — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 77 (*Gazette S 276, 11 August 2009*)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C57
 Campaspe — C21
 Frankston — C51
 Glenelg — C46
 Horsham — C42
 Hume — C90 Part 1
 Knox — C82
 Mitchell — C47
 Moreland — C96, C106
 Mornington Peninsula — C115
 Murrindindi — C24
 Warrnambool — C71
 Wodonga — C42 Part 1
 Yarra — C84, C106

Statutory Rules under the following Acts:

Fair Trading Act 1999 — SRs 86, 87, 88
Planning and Environment Act 1987 — SR 89
Subordinate Legislation Act 1994 — SR 90

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 90
 Minister's exemption certificates in relation to Statutory Rules 86, 87, 88.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Road Legislation Amendment Act 2009 — Section 19 — 27 August 2009 (*Gazette S289, 26 August 2009*).

- 19 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That, so much of standing orders be suspended immediately so as to allow:

- (1) A motion 'That the House takes note of the 2009 Victorian Bushfires Royal Commission Interim Report, August 2009' to be moved immediately
- (2) The Chair to put the question on the motion at 6.30 pm (or sooner if there is no further debate) and the time limits for the Premier and the lead speaker for the Opposition to be 20 minutes and any other member to be 5 minutes

(*Mr Batchelor*) — put and agreed to.

- 20 **VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT** — Motion made and question — That the House takes note of the 2009 Victorian Bushfires Royal Commission Interim Report, August 2009 (*Mr Brumby*) — put, after debate, and agreed to.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Children Legislation Amendment Bill 2009
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009
 Human Tissue Amendment Bill 2009.

- 22 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 18 August 2009, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Children Legislation Amendment Bill 2009
 Human Tissue Amendment Bill 2009
 National Parks Amendment (Point Nepean) Bill 2009
 Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Gambling Regulation Further Amendment Bill 2009
 Justice Legislation Further Amendment Bill 2009
 Major Transport Projects Facilitation Bill 2009.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 September 2009:

Cemeteries and Crematoria Amendment Bill 2009
 Energy and Resources Legislation Amendment Bill 2009

Gambling Regulation Further Amendment Bill 2009
 Liquor Control Reform Amendment (Licensing) Bill 2009
 Justice Legislation Further Amendment Bill 2009
 Major Transport Projects Facilitation Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 42

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mrs Maddigan; Ms Marshall; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

25 **STATEMENTS BY MEMBERS** — Statements by members were made.

26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

27 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

28 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Pallas*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

29 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Neville announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That debate be now adjourned (*Mr Hudson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.28 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 134 — Wednesday 2 September 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 70 signatures (*Dr Sykes*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 23, 77 and 128 signatures (*Dr Sykes, Mr Crisp and Mr Jasper respectively*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 13 and 20 signatures (*Dr Sykes and Mr Crisp respectively*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 18 and 29 signatures (*Mrs Shardey and Mr Wells respectively*)

Bus Route Review — Requesting that the House informs the Department of Transport and the consultants facilitating the review of bus routes in the City of Maroondah, Yarra Ranges and Knox that the residents do not support the removal of the Allamban Drive, Stuart Street and Burdekin Avenue sections of bus route 690, bearing 19 signatures (*Mr Hodggett*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 166 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.
- 5 **PETITION — BUS ROUTE REVIEW** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 6 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Planning and Environment Act 1987:

Amendment No 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C85
 Cardinia — C134
 Mitchell — C73
 Moyne — C38
 Pyrenees — C21
 Warrnambool — C60, C66 Part 1
 Wyndham — C96

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 89.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GIPPSLAND LAKES** — The House was informed that Mr Ingram had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House recognises the vital importance of the Gippsland Lakes to the economic, social and environmental well-being of Victoria's east and calls on the Government to guarantee all that can be done to protect and improve the environmental health, the management and the infrastructure needs of the Gippsland Lakes including appropriate actions, resources, support and management structure.'

Mr Ingram addressed the House — Discussion followed.

16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

17 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made and question — That under s 33 of the *Parliamentary Committees Act 2003*, the following matters be referred to the joint investigatory committees specified:

(1) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 31 August 2010 into the impact of drug-related offending on female prisoner numbers, and the committee should:

- (a) examine the impact of drug-related crime on the female prisoner population;
- (b) review the demographic profiles of women in custody for drug offences and the types of drug offences;
- (c) examine underlying causal factors which may influence drug-related offending and repeat offending that result in women entering custody; and
- (d) recommend strategies to reduce drug-related offending and repeat offending by women, including strategies to address underlying causal factors.

(2) To the **Environment and Natural Resources Committee** — for inquiry, consideration and report no later than 31 August 2010 into soil sequestration in Victoria and the committee should:

- (a) explore possible benefits to the agricultural industry;
- (b) explore possible environmental benefits;
- (c) consider methodologies for measurement of the effects of carbon sequestration, including any potential issues associated with the measurement of benefits;
- (d) identify the costs;

- (e) identify any possible harms or detriments;
- (f) identify linkages with the proposed carbon pollution reduction scheme and other relevant Federal Government policies;
- (g) identify linkages with existing Victorian Government policies; and
- (h) explore options for the Victorian Government to support the benefits (if any) of soil sequestration.

(*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 20 **VALUATION OF LAND AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **LAND LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 23 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 24 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Ms Graley*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made, by leave, and question — That the Member for Albert Park have leave to continue his speech when the debate is resumed (*Mr Foley*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 26 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mrs Maddigan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 27 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 28 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 29 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

No 135 — Thursday 3 September 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 38 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 213 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 signatures (*Mr Crisp*)

Police Numbers in the Latrobe Valley — Requesting that the House reverses the decision to reduce police numbers in the Latrobe Valley, bearing 1439 signatures (*Mr Northe*)

Ambulance Response Time Kinglake Region — Requesting that the House immediately acts to ensure ambulance response times in the Kinglake region are reduced to within 15 minutes in 85 per cent of cases and also establishes a 24 hour ambulance base in the town of Kinglake, bearing 5861 signatures (*Mr Hardman*).

Petitions ordered to be tabled.

3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — POLICE NUMBERS IN THE LATROBE VALLEY** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General, Office of — Report 2008–09

Statutory Rules under the following Acts:

Building Act 1993 — SR 91

Police Regulation Act 1958 — SR 92

Road Safety Act 1986 — SRs 93, 95

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 93.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 15 September 2009 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Motion made and question — That under s 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Mr Cameron*) — put, after debate, and agreed to.

11 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

12 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 1 September 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

15 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 21 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 136, 137 and 138

No 136 — Tuesday 15 September 2009

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to revoke certain reservations of land and related restricted Crown grants, to repeal the **Kew and Heidelberg Lands Act 1933**, the **Kew and Heidelberg Lands Act 1958**, the **Footscray (Recreation Ground) Lands Act 1968** and the **Footscray (Western Oval Reserve) Lands Act 1981**, to amend the **Geelong (Kardinia Park) Land Act 1950** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **SENTENCING AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Sentencing Act 1991** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **MONASH UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to Monash University, to repeal the **Monash University Act 1958**, the **Monash University (Chisholm and Gippsland) Act 1990**, the **Monash University (Pharmacy College) Act 1992**, to make a consequential amendment to the **Leo Cussen Institute Act 1972** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **UNIVERSITY OF MELBOURNE BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to The University of Melbourne, to repeal the **Melbourne University Act 1958** and other Acts, to make consequential amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

7 **DEAKIN UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to Deakin University, to repeal the **Deakin University Act 1974**, the **Deakin University (Warrnambool) Act 1990** and the **Deakin University (Victoria College) Act 1991** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **LA TROBE UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to La Trobe University, to repeal the **La Trobe University Act 1964** and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 23 and 52 signatures (*Dr Sykes and Mr Crisp respectively*)

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 160 signatures (*Dr Sykes*)

Concession Cards for Students — Requesting that the Government allows all tertiary students, including international and postgraduate students, access to public transport concessions, bearing 2590 signatures (*Mr Hudson*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 9 signatures (*Mr Crisp*)

Arson Sentencing — Requesting that the House calls upon the Government to implement minimum sentencing for arson, to be enforced without exception and requests that — (a) additional penalties be added to the sentence for houses, sheds and animals lost; (b) murder charges apply to arson resulting in the loss of human life; and (c) the new laws apply from 1 January 2009, bearing 413 signatures (*Mr Northe*)

Peninsula Link Baxter Interchange — Requesting that the House immediately initiates all things necessary to ensure the LMA Peninsula Link plans are amended to incorporate a Baxter interchange underpass for Peninsula Link roadway, beneath Baxter-Tooradin Road and Frankston-Flinders Road, instead of a fly overpass bearing 570 signatures (*Mr Pallas*)

Public and Social Housing in Ringwood — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 541 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — CONCESSION CARDS FOR STUDENTS** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mr Hudson*) — put and agreed to.
- 13 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 14 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — ARSON SENTENCING** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

INSPECTOR OF MUNICIPAL ADMINISTRATION — REPORT ON BRIMBANK CITY COUNCIL — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration on Brimbank City Council be tabled (*Mr Wynne*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 11 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009

Education and Training Reform Amendment (School Age) Bill 2009

Land Legislation Amendment Bill 2009

Local Government Amendment (Conflicting Duties) Bill 2009

Major Transport Projects Facilitation Bill 2009

Valuation of Land Amendment Bill 2009

Victorian Renewable Energy Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Constitution Act 1975 — Dispute Resolution reached on 10 September 2009 by the Dispute Resolution Committee on the Planning Legislation Amendment Bill 2009.

19 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Motion made, by leave, and question — That the House takes note of the Dispute Resolution reached on 10 September 2009 by the Dispute Resolution Committee on the Planning Legislation Amendment Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That, so much of standing orders be suspended so as to allow:

(1) The immediate introduction and consideration of a further bill for an Act to amend the *Planning and Environment Act 1987*, the *Docklands Act 1991*, the *Heritage Act 1995*, the *Local Government Act 1989* and the *Melbourne Convention and Exhibition Trust Act 1996* and for other purposes.

(2) The second reading to be moved immediately after the bill has been read a first time.

(*Mr Batchelor*) — put and agreed to.

21 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Mr Batchelor obtained leave to bring in a Bill *for an Act to amend the Planning and Environment Act 1987, the Docklands Act*

1991, the Heritage Act 1995, the Local Government Act 1989 and the Melbourne Convention and Exhibition Trust Act 1996 and for other purposes; and the Bill was read a first time.

- 22 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Conveyancers Act 2006 — Review of exclusion for sale of businesses under s 189

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the Report 2008–09 of the Victorian Broiler Industry Negotiation Committee

Local Government Act 1989 — Order in Council suspending Councillors at Brimbank City Council and appointing an Administrator

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C117, C133
 Brimbank — C118
 Casey — C118, C123
 East Gippsland — C70
 Golden Plains — C37, C38
 Greater Dandenong — C98
 Greater Shepparton — C129
 Indigo — C44
 Knox — C80
 Melbourne — C145
 Mitchell — C57
 Monash — C87
 Surf Coast — C51
 Victoria Planning Provisions — VC61
 Whittlesea — C132
 Wodonga — C67
 Wyndham — C68

Statutory Rules under the following Acts:

Building Act 1993 — SR 105
Crimes Act 1958 — SR 102
Domestic (Feral and Nuisance) Animals Act 1994 — SR 100
Local Government Act 1989 — SR 104
Magistrates' Court Act 1989 — SR 101
Road Safety Act 1986 — SR 94
Supreme Court Act 1986 — SRs 96, 97, 98, 99
Wildlife Act 1975 — SR 103

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 96, 97, 98, 99
 Ministers' exemption certificates in relation to Statutory Rules 94, 101, 102, 103, 104, 105.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Animals Legislation Amendment (Animal Care) Act 2007 — Remaining provisions — 1 September 2009 (*Gazette S298, 1 September 2009*)

Justice Legislation Amendment Act 2009 — Part 2 — 3 September 2009 (*Gazette G36, 3 September 2009*).

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Local Government Amendment (Conflicting Duties) Bill 2009
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009
 Water Amendment (Non Water User Limit) Bill 2009.

- 25 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 8 September 2009
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009
 Courts Legislation Amendment (Sunset Provisions) Bill 2009
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009
 Local Government Amendment (Conflicting Duties) Bill 2009

On 15 September 2009
 Water Amendment (Non Water User Limit) Bill 2009.

- 26 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Land Legislation Amendment Bill 2009
 Planning Legislation Amendment Bill 2009 (No. 2)
 Valuation of Land Amendment Bill 2009.

- 27 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 September 2009:

Education and Training Reform Amendment (School Age) Bill 2009
 Land Legislation Amendment Bill 2009
 Local Government Amendment (Offences and Other Matters) Bill 2009
 Personal Property Securities (Commonwealth Powers) Bill 2009
 Valuation of Land Amendment Bill 2009
 Victorian Renewable Energy Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 28 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 29 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 30 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 137 — Wednesday 16 September 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to revise the statute law of Victoria as a consequence of the enactment of the **Evidence Act 2008** and to make other amendments to that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to make consequential and other amendments in relation to the **Criminal Procedure Act 2009** and to provide transitional arrangements for the commencement of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 19 signatures (*Mr Smith, Bass*)
- Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 470 signatures (*Mr Smith, Bass*)
- Bus Route 289** — Requesting that the House directs that the 289 bus service from Box Hill to Donvale be immediately reinstated, bearing 105 signatures (*Ms Wooldridge*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 1377 signatures (*Mr Burgess*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 102 and 53 signatures (*Mr Delahunty and Mr Crisp respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 57 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 39 signatures (*Mr Crisp*)

Shepparton to Cobram Passenger Rail Services — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 2528 signatures (*Mr Jasper*)

MICA Paramedic Service — Requesting that the Minister for Health addresses the proposed loss of the MICA paramedic service as a matter of urgency, bearing 1147 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 5 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — MICA PARAMEDIC SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — BUS ROUTE 289** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

12 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

13 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

14 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

15 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 88 (*Gazette G37, 10 September 2009*)

Ombudsman, Office of — Report 2008–09 — Ordered to be printed.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Further Amendment Bill 2009 without amendment.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SOCIAL HOUSING** — The House was informed that Mr Languiller had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its continued investment in social housing that creates jobs and homes for Victorian families and condemns the Liberal and National Parties for their continued opposition to social housing in Victoria.'

Mr Languiller addressed the House — Discussion followed.

19 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data.

- 20 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Debate continued on question — That this Bill be now read a second time.

Question — put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 24 **VALUATION OF LAND AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 25 **LAND LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 26 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 138 — Thursday 17 September 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 108 signatures (*Dr Sykes*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 78 and 18 signatures (*Mr Delahunty and Mr Crisp respectively*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 55 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 67 signatures (*Mr Crisp*)

Refuse Transfer Station — Requesting that the House takes appropriate action to defeat permit application number PLN 08/0410 made to the City of Greater Dandenong to construct a refuse transfer station in Springvale, bearing 65 signatures (*Ms Munt*)

Youth Allowance and Living Away From Home Allowance — Requesting that the House rejects the proposed changes to the independence tests for the Youth Allowance and the Living Away From Home Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 131 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE AND LIVING AWAY FROM HOME ALLOWANCE** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 4 **PETITION — REFUSE TRANSFER STATION** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 5 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

10 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Motion made, by leave, and question — That the Report 2008–09 of the Public Accounts and Estimates Committee be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007–08, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2009 and Summary of Variations Notified between 25 June 2009 and 15 September 2009 — Ordered to be printed

Workplace Rights Advocate, Office of — Report 1 July 2008 to 10 June 2009.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 October 2009 (*Ms Neville*) — put and agreed to.

- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 13 **LAND LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 8 inclusive, be postponed until later this day.
- 20 **UNIVERSITY OF MELBOURNE BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 21 **MONASH UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 22 **LA TROBE UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 23 **DEAKIN UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.

- 24 **SENTENCING AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 25 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 26 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 28 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.23 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 139, 140, 141 and 142

No 139 — Tuesday 13 October 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended immediately so as to allow:
 - (1) Precedence to be given to a motion of condolence to the people affected by the recent natural disasters in the South Pacific, Indonesia and Asia
 - (2) The debate to be no longer than one hour and the time limit for each member to be 10 minutes

(Mr Batchelor) — put and agreed to.

- 3 **NATURAL DISASTERS IN THE SOUTH PACIFIC, INDONESIA AND ASIA** — Motion made and question — That the following resolution be agreed to by this House —

We, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the families of the victims of the recent natural disasters in the South Pacific, Indonesia and Asia and the survivors of these disasters and join with the people of Victoria in expressing our sympathy to those affected

(Mr Brumby) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.

[The Speaker having left the Chair at 2.56 pm, resumed it at 3.01 pm]

- 4 **DEATH OF THE HONOURABLE BRIAN WILLIAM MIER** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Brian William Mier and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of Waverley from 1982 to 1996 and Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs from 1990 to 1991 *(Mr Brumby)* — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Brian William Mier, the House now adjourns until 5.00 pm today *(Mr Brumby)* — put and agreed to.

And the House, at 3.57 pm adjourned until 5.00 pm today.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 140 — Tuesday 13 October 2009 (5.00 PM)

1 The House met according to the adjournment — The Speaker took the Chair.

2 **QUESTIONS** — (Under SO 55).

3 **ACTING OMBUDSMAN** — The Speaker advised that, on 29 September 2009, the Acting Speaker administered to John Taylor, the Acting Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.

4 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Fair Work (Commonwealth Powers) Act 2009** and to make related amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Electricity Industry Act 2000** to provide for the protection of critical electricity infrastructure and critical electricity infrastructure plant or equipment or related vehicles and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Mr Batchelor, on behalf of Mr Cameron, obtained leave to bring in a Bill '*for an Act to amend the **Crimes Act 1958**, the **Criminal Procedure Act 2009**, the **Infringements Act 2006**, the **Major Crime (Investigative Powers) Act 2004**, the **Major Crime Legislation Amendment Act 2009**, the **Sheriff Act 2009**, the **Telecommunications (Interception) (State Provisions) Act 1988** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **First Home Owner Grant Act 2000**, the **Land Tax Act 2005**, the **Payroll Tax Act 2007** and the **Taxation Administration Act 1997** and to make consequential amendments to other Acts, to repeal the **Taxation (Reciprocal Powers) Act 1987** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Mr Wynne obtained leave to bring in a Bill '*for an Act to dismiss the **Brimbank City Council** and provide for a general election for that Council and for other purposes*'; and the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

9 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Mr Wynne tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the

proposed legislation as a matter of urgency, bearing 1308, 380 and 135 signatures (*Dr Sykes, Mr Delahunty and Mr Weller respectively*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 77 signatures (*Dr Sykes*)

Road Access in Melton Area — Requesting that the House takes immediate action to review road developments in the Melton area, particularly — (a) the inclusion of a Melbourne-bound ramp at Hopetoun Road; (b) assessment of the fire risk to the Hopetoun Park estate if local access is not included in Western Highway redevelopment; and (c) community consultation regarding the Bulmans/Clarke Road interchange, bearing 712 signatures (*Mr Nardella*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 52 signatures (*Mr Crisp*)

Amendment C58 to Mildura Planning Scheme — Requesting that the House calls on the Minister for Planning to withdraw Amendment C58 to the Mildura Planning Scheme, bearing 22 signatures (*Mr Crisp*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 46 signatures (*Mr Northe*)

Shepparton to Cobram Passenger Rail Services — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 46 signatures (*Mr Jasper*)

Natural Gas Extension Program — Requesting that the Government commits to a further round of funding through the Natural Gas Extension program to subsidise natural gas reticulation to Heathcote, bearing 716 signatures (*Mr Weller*)

Skydiving at Barwon Heads Airport — Requesting that the House seeks a commitment from the owners of the Barwon Heads Airport that they will not support any moves that would lead to skydiving at the airport in the future, bearing 92 signatures (*Mr Crutchfield*)

Show Day Holiday — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 120 signatures (*Mr Walsh*)

Public and Social Housing in Ringwood — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 114 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 11 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 13 **PETITION — ROAD ACCESS IN MELTON AREA** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.
- 14 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 15 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 16 **PETITION — SKYDIVING AT BARWON HEADS AIRPORT** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 18 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 19 **PETITION — NATURAL GAS EXTENSION PROGRAM** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 20 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 21 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 22 **PETITION — AMENDMENT C58 TO MILDURA PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

23 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 12 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Deakin University Bill 2009
 Fair Work (Commonwealth Powers) Bill 2009
 La Trobe University Bill 2009
 Land (Revocation of Reservations and Other Matters) Bill 2009
 Monash University Bill 2009
 Planning Legislation Amendment Bill 2009 (No. 2)
 Sentencing Amendment Bill 2009
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009
 Local Government Amendment (Offences and Other Matters) Bill 2009
 Personal Property Securities (Commonwealth Powers) Bill 2009
 Road Legislation Amendment Bill 2009

Superannuation Legislation Amendment Bill 2009
University of Melbourne Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Shepparton Public Garden Reserve

Duties Act 2000 — Reports 2008–09 of exemptions and refunds under ss 250B and 250DD (two documents)

Estate Agents Act 1980 — Notice of approval under s 10C (*Gazette G38, 17 September 2009*)

Gambling Regulation Act 2003 — Amendment to Category 2 Public Lottery Licence

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C123
Banyule — C61
Bass Coast — C95
Boroondara — C64, C104
Brimbank — C110
Cardinia — C123, C136
East Gippsland — C72, C77
Glen Eira — C72
Glenelg — C51
Greater Bendigo — C114
Hobsons Bay — C66
Knox — C76, C100
Mansfield — C14, C17
Maribyrnong — C80, C81
Mildura — C59
Mitchell — C68
Monash — C65
Mornington Peninsula — C84, C95
Mount Alexander — C23
Moyne — C39
Murrindindi — C22
Nillumbik — C61
Surf Coast — C43 Part 2
Victoria Planning Provisions — VC59, VC60
Warrnambool — C55
Whitehorse — C92
Whittlesea — C117
Wyndham — C129
Yarra — C119
Yarra Ranges — C82, C91

Public Record Office Victoria — Report 2008–09

Statutory Rules under the following Acts:

Associations Incorporation Act 1981 — SR 113
Coroners Act 2008 — SR 109
Gambling Regulation Act 2003 — SRs 108, 114
Guardianship and Administration Act 1986 — SR 107
Infringements Act 2006 — SR 106
Magistrates' Court Act 1989 — SR 110
Road Safety Act 1986 — SRs 115, 116
Sheriff Act 2009 — SR 112
Supreme Court Act 1986 — SRs 109, 111

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 109
 Ministers' exemption certificates in relation to Statutory Rules 106, 110, 111, 113, 114, 115, 116

Surveillance Devices Act 1999:

Report 2008–09 under s 30L
 Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Courts Legislation Amendment (Judicial Resolution Conference) Act 2009 — Whole Act — 15 September 2009 (*Gazette S319, 16 September 2009*)
Road Legislation Amendment Act 2009 — Section 10 — 1 October 2009 (*Gazette S332, 22 September 2009*)
Sheriff Act 2009 — Whole Act — 1 October 2009 (*Gazette G40, 1 October 2009*).

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Transport Projects Facilitation Bill 2009 without amendment.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Cemeteries and Crematoria Amendment Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

26 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 22 September 2009, given the royal assent to the Justice Legislation Further Amendment Bill 2009, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

27 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that she had, on 29 September 2009, given the royal assent to the Major Transport Projects Facilitation Bill 2009, presented to her by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments.

28 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Deakin University Bill 2009
 La Trobe University Bill 2009
 Land (Revocation of Reservations and Other Matters) Bill 2009

Monash University Bill 2009
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009
 University of Melbourne Bill 2009.

- 29 **CONCURRENT DEBATE — UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the University of Melbourne Bill 2009, the Monash University Bill 2009, the La Trobe University Bill 2009 and the Deakin University Bill 2009 to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 October 2009:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Deakin University Bill 2009
 La Trobe University Bill 2009
 Land (Revocation of Reservations and Other Matters) Bill 2009
 Monash University Bill 2009
 Sentencing Amendment Bill 2009
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009
 University of Melbourne Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 32 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Further Amendment Bill 2009 without amendment.
- 33 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 34 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 141 — Wednesday 14 October 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *for an Act to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to make further provision for parks along the Murray River, and to make other amendments to those Acts and to amend the Conservation, Forests and*

Lands Act 1987 and the Forests Act 1958 and to make miscellaneous amendments to other Acts and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Mr Andrews obtained leave to bring in a Bill *for an Act to provide for the adoption of a national law to establish a national registration and accreditation scheme for health practitioners and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 153 and 462 signatures (*Dr Sykes and Mr Jasper respectively*)

Bus Route 289 — Requesting that the House directs that the 289 bus service from Box Hill to Donvale be immediately reinstated, bearing 12 signatures (*Ms Wooldridge*)

Social Housing in Ferntree Gully — Requesting that the House postpones the proposed social housing development at the former Ferntree Gully Primary School site pending a thorough consultation period with the community, bearing 826 signatures (*Mr Wakeling*)

Croydon South Primary School Site — Requesting that the Government turns the disused Croydon South Primary School site into public parkland and open space and allows the buildings to be used by community groups, bearing 554 signatures (*Mr Hodgett*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 78 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 42 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 65 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 112 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 5 **PETITION — BUS ROUTE 289** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 11 **PETITION — SOCIAL HOUSING IN FERNTREE GULLY** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 12 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — CROYDON SOUTH PRIMARY SCHOOL SITE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

14 **DOCUMENTS**

PARLIAMENTARY DEPARTMENTS REPORTS — Motion made, by leave, and question — That the Reports 2008–09 of the Department of the Legislative Assembly and the Department of Parliamentary Services be tabled (*Ms Barker*) — put and agreed to.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Financial Management Act 1994 — Financial Report for the State of Victoria 2008–09, incorporating the Quarterly Financial Report No 4 — Ordered to be printed.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report 2008–09.

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

19 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

20 **SENTENCING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time.

Under standing orders, Ms Allan announced an amendment to be proposed when the House considers the **La Trobe University Bill 2009** in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That these Bills be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

22 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 142 — Thursday 15 October 2009

1 The Speaker took the Chair and read the Prayer.

2 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Crown Land (Reserves) Act 1978** and the **National Parks Act 1975** to make further provision for parks in East Gippsland, and to make other amendments to those Acts, and to make related amendments to another Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Housing for Mentally Ill — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 206 signatures (*Mr Smith, Bass*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 28 signatures (*Mr Clark*)

Changes to Equal Opportunity Act 1995 — Requesting that the Government abandons its plan for the removal of the exemptions to the *Equal Opportunity Act 1995* which currently serve to protect the core interests of faith based schools, single sex clubs and small business, bearing 65 signatures (*Ms Wooldridge*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 79 signatures (*Mr Crisp*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 27 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 19 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 69 and 34 signatures (*Mr Crisp and Mrs Powell respectively*)

Shepparton to Cobram Passenger Rail Services — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 153 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

4 **PETITION — CHANGES TO EQUAL OPPORTUNITY ACT 1995** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 7 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **DOCUMENTS**

OFFICE OF THE PUBLIC ADVOCATE — Motion made, by leave, and question — That the Office of the Public Advocate Report 2008–09 be tabled (*Mr Batchelor*) — put and agreed to.

CONSUMER UTILITIES ADVOCACY CENTRE — Motion made, by leave, and question — That the Consumer Utilities Advocacy Centre Report 2008–09 be tabled (*Mr Robinson*) — put and agreed to.

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report 2008–09 be tabled (*Mr Batchelor*) — put and agreed to.

PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1 — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2009–10 Budget Information Paper No 1 be tabled (*Mr Batchelor*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2009–10 Budget Estimates Part Two, together with minority reports and an extract from the proceedings.

Ordered to be tabled and printed.

DOCUMENT TABLED BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2007–08.

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2008–09

Adult, Community and Further Education Board — Report 2008–09

Adult Parole Board — Report 2008–09

Alexandra District Hospital — Report 2008–09

Alfred Health — Report 2008–09

Alpine Health — Report 2008–09 (two documents)

Altona Memorial Park, Trustees of — Report 2008–09

Ambulance Victoria — Report 2008–09

Austin Health — Report 2008–09 (two documents)

Australian Grand Prix Corporation — Report 2008–09

Bairnsdale Regional Health Service — Report 2008–09 (two documents)

Ballarat Health Services — Report 2008–09

Barwon Health — Report 2008–09

Barwon Region Water Corporation — Report 2008–09

Bass Coast Regional Health — Report 2008–09

Beaufort and Skipton Health Service — Report 2008–09

Beechworth Health Service — Report 2008–09 (two documents)

Benalla and District Memorial Hospital — Report 2008–09

Bendigo Health Care Group — Report 2008–09

Boort District Health — Report 2008–09 (two documents)

Building Commission — Report 2008–09

Calvary Health Care Bethlehem Ltd — Report 2008–09 (two documents)

Casterton Memorial Hospital — Report 2008–09

CenITex — Report 2008–09

Central Gippsland Health Service — Report 2008–09 (two documents)

Central Gippsland Region Water Corporation — Report 2008–09

Central Highlands Region Water Corporation — Report 2008–09

Cheltenham and Regional Cemeteries Trust — Report 2008–09

Child Safety Commissioner — Report 2008–09

City West Water Ltd — Report 2008–09

Cobram District Hospital — Report 2008–09 (two documents)

Cohuna District Hospital — Report 2008–09

Colac Area Health — Report 2008–09

Coliban Region Water Corporation — Report 2008–09 (two documents)

Commissioner for Law Enforcement Data Security, Office of — Report 2008–09

Community Visitors — Report 2008–09 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report 2008–09

Consumer Affairs Victoria — Report 2008–09 — Ordered to be printed

Country Fire Authority — Report 2008–09

Dental Health Services Victoria — Report 2008–09

Djerriwarrh Health Services — Report 2008–09 (two documents)

Dunmunkle Health Services — Report 2008–09

East Gippsland Region Water Corporation — Report 2008–09

East Grampians Health Service — Report 2008–09

East Wimmera Health Service — Report 2008–09

Eastern Health — Report 2008–09

Echuca Regional Health — Report 2008–09

Edenhope and District Memorial Hospital — Report 2008–09

Education and Early Childhood Development, Department of — Report 2008–09

Emerald Tourist Railway Board — Report 2008–09

Emergency Services Superannuation Board — Report 2008–09

Emergency Services Telecommunications Authority — Report 2008–09

Energy Safe Victoria — Report 2008–09

Environment Protection Authority — Report 2008–09

Essential Services Commission — Report 2008–09

Fawkner Crematorium and Memorial Park Trust — Report 2008–09

Fed Square Pty Ltd — Report 2008–09

Film Victoria — Report 2008–09

Financial Management Act 1994:

Report from the Minister for Community Services that she had received the Report 2008–09 of the Disability Services Commissioner

Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:

Alpine Resorts Co-ordinating Council

Commissioner for Environmental Sustainability

Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the reports 2008–09 of the:

Anderson's Creek Cemetery Trust

Bendigo Cemeteries Trust

Chinese Medicine Registration Board of Victoria

Chiropractors Registration Board of Victoria

Dental Practice Board of Victoria

Health Purchasing Victoria

Infertility Treatment Authority

Lilydale Cemeteries Trust

Maldon Hospital

Manangatang and District Hospital

Medical Radiation Practitioners Board of Victoria

Mildura Cemetery Trust

Omeo District Health

Optometrists Registration Board of Victoria

Osteopaths Registration Board of Victoria

Pharmacy Board of Victoria

Physiotherapists Registration Board of Victoria

Podiatrists Registration Board of Victoria

Preston Cemetery Trust

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Report from the Minister for Mental Health that she had received the Report 2008–09 of the Mental Health Review Board incorporating the Psychosurgery Review Board

Reports from the Minister for Planning that he had received the reports 2008–09 of the:

Architects Registration Board of Victoria

Dandenong Development Board

Heritage Council of Victoria

Reports from the Minister for Public Transport that she had received the reports 2008–09 of the:

Rolling Stock (VL-1) Pty Ltd

Rolling Stock (VL-2) Pty Ltd

Rolling Stock (VL-3) Pty Ltd

Report from the Minister for Women's Affairs that she had received the Report 2008–09 of the Queen Victoria Women's Centre

Geelong Cemeteries Trust — Report 2008–09

Gippsland and Southern Rural Water Corporation — Report 2008–09

Gippsland Southern Health Service — Report 2008–09 (two documents)

Goulburn-Murray Rural Water Corporation — Report 2008–09

Goulburn Valley Health — Report 2008–09

Goulburn Valley Region Water Corporation — Report 2008–09

Grampians Wimmera Mallee Water Corporation — Report 2008–09

Greyhound Racing Victoria — Report 2008–09

Growth Areas Authority — Report 2008–09

Health Services Commissioner, Office of — Report 2008–09

Hepburn Health Service — Report 2008–09

Hesse Rural Health Service — Report 2008–09

Heywood Rural Health — Report 2008–09

Human Services, Department of — Report 2008–09

Inglewood and Districts Health Service — Report 2008–09

Innovation, Industry and Regional Development, Department of — Report 2008–09

Justice, Department of — Report 2008–09

Kerang District Health — Report 2008–09

Kilmore and District Hospital — Report 2008–09

Kooweerup Regional Health Service — Report 2008–09 (two documents)

Kyabram and District Health Service — Report 2008–09

Kyneton District Health Service — Report 2008–09

Latrobe Regional Hospital — Report 2008–09

Legal Practitioners Liability Committee — Report 2008–09

Lorne Community Hospital — Report 2008–09

Lower Murray Urban and Rural Water Corporation — Report 2008–09

Mallee Track Health and Community Service — Report 2008–09

Mansfield District Hospital — Report 2008–09 (two documents)

Maryborough District Health Service — Report 2008–09

McIvor Health and Community Services — Report 2008–09

Melbourne and Olympic Parks Trust — Report 2008–09

Melbourne Convention and Exhibition Trust — Report 2008–09

Melbourne Health — Report 2008–09

Melbourne Market Authority — Report 2008–09

Melbourne Water Corporation — Report 2008–09

Mercy Public Hospitals Inc — Report 2008–09 (two documents)

Metropolitan Fire and Emergency Services Board — Report 2008–09

Moyne Health Services — Report 2008–09

Mt Alexander Hospital — Report 2008–09

Nathalia District Hospital — Report 2008–09 (two documents)

National Environment Protection Council — Report 2007–08

National Parks Act 1975 — Report 2008–09 on the working of the Act

National Parks Advisory Council — Report 2008–09

Necropolis Springvale, Trustees of — Report 2008–09

North East Region Water Corporation — Report 2008–09

Northeast Health Wangaratta — Report 2008–09

Northern Health — Report 2008–09 (two documents)

Northern Victoria Irrigation Renewal Project — Report 2008–09

Numurkah District Health Service — Report 2008–09 (two documents)

Nurses Board of Victoria — Report 2008–09

Ombudsman — Brookland Greens Estate — Investigation into methane gas leaks — Ordered to be printed

Orbost Regional Health — Report 2008–09

Otway Health and Community Services — Report 2008–09

Parks Victoria — Report 2008–09 (two documents)

Parliamentary Contributory Superannuation Fund — Report 2008–09

Peninsula Health — Report 2008–09 (two documents)

Peter MacCallum Cancer Centre — Report 2008–09

Phillip Island Nature Park — Report 2008–09

Planning and Community Development, Department of — Report 2008–09

Plumbing Industry Commission — Report 2008–09

Police Appeals Board — Report 2008–09

Police Integrity, Office of — Report 2008–09 — Ordered to be printed

Port of Hastings Corporation — Report 2008–09

Port of Melbourne Corporation — Report 2008–09

Portland District Health — Report 2008–09

Premier and Cabinet, Department of — Report 2008–09

Primary Industries, Department of — Report 2008–09 (two documents)

Public Transport Ticketing Body — Report 2008–09

Queen Elizabeth Centre — Report 2008–09 (two documents)

Radiation Advisory Committee — Report 2008–09

Regional Development Victoria — Report 2008–09

Residential Tenancies Bond Authority — Report 2008–09

Roads Corporation (VicRoads) — Report 2008–09

Robinvale District Health Services — Report 2008–09

Rochester and Elmore District Health Service — Report 2008–09

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2008–09

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report 2008–09

Royal Botanic Gardens Board — Report 2008–09

Royal Children's Hospital — Report 2008–09

Royal Victorian Eye and Ear Hospital — Report 2008–09

Royal Women's Hospital — Report 2008–09

Rural Finance Corporation of Victoria — Report 2008–09

Rural Northwest Health — Report 2008–09

Seymour District Memorial Hospital — Report 2008–09 (two documents)

South East Water Ltd — Report 2008–09

South Gippsland Hospital — Report 2008–09

South Gippsland Region Water Corporation — Report 2008–09

South West Healthcare — Report 2008–09

Southern and Eastern Integrated Transport Authority — Report 2008–09

Southern Cross Station Authority — Report 1 July 2008 to 31 July 2009

Southern Health — Report 2008–09

St Vincent's — Report 2008–09 (two documents)

State Electricity Commission of Victoria — Report 2008–09

State Services Authority — Report 2008–09

State Sport Centres Trust — Report 2008–09

State Trustees Ltd — Report 2008–09

Stawell Regional Health — Report 2008–09

Sustainability and Environment, Department of — Report 2008–09

Sustainability Victoria — Report 2008–09

Swan Hill District Health — Report 2008–09

Tallangatta Health Service — Report 2008–09 (two documents)

Terang and Mortlake Health Service — Report 2008–09

Timboon and District Healthcare Service — Report 2008–09

Tourism Victoria — Report 2008–09

Transport Accident Commission — Report 2008–09

Transport, Department of — Report 2008–09

Treasury and Finance, Department of — Report 2008–09

Treasury Corporation of Victoria — Report 2008–09

Tweddle Child and Family Health Service — Report 2008–09 (two documents)

Upper Murray Health and Community Services — Report 2008–09 (two documents)

V/Line Passenger Corporation — Report 2008–09

V/Line Passenger Pty Ltd — Report 2008–09

VicForests — Report 2008–09

Victims of Crime Assistance Tribunal — Report 2008–09

Victoria Legal Aid — Report 2008–09

Victoria Police — Chief Commissioner, Office of — Report 2008–09

Victoria State Emergency Service Authority — Report 2008–09

Victorian Coastal Council — Report 2008–09

Victorian Commission for Gambling Regulation — Report 2008–09

Victorian Curriculum and Assessment Authority — Report 2008–09

Victorian Electoral Commission — Report 2008–09

Victorian Environmental Assessment Council — Report 2008–09

Victorian Funds Management Corporation — Report 2008–09

Victorian Government Purchasing Board — Report 2008–09

Victorian Health Promotion Foundation — Report 2008–09 (two documents)

Victorian Institute of Forensic Mental Health — Report 2008–09 (two documents)

Victorian Institute of Sport Trust — Report 2008–09 (two documents)

Victorian Institute of Teaching — Report 2008–09

Victorian Managed Insurance Authority — Report 2008–09

Victorian Rail Track — Report 2008–09

Victorian Regional Channels Authority — Report 2008–09

Victorian Registration and Qualifications Authority — Report 2008–09

Victorian Skills Commission — Report 2008–09

Victorian Urban Development Authority — Report 2008–09

Victorian WorkCover Authority — Report 2008–09

Wannon Region Water Corporation — Report 2008–09

Water Industry Act 1994 — Reports under s 77A (three documents)

West Gippsland Healthcare Group — Report 2008–09

West Wimmera Health Service — Report 2008–09

Western District Health Service — Report 2008–09

Western Health — Report 2008–09

Western Region Water Corporation — Report 2008–09

Westernport Region Water Corporation — Report 2008–09

Wimmera Health Care Group — Report 2008–09

Wodonga Regional Health Service — Report 2008–09

Yarra Bend Park Trust — Report 2008–09

Yarra Valley Water Ltd — Report 2008–09 (three documents)

Yarram and District Health Service — Report 2008–09 (two documents)

Yarrawonga District Health Service — Report 2008–09 (two documents)

Yea and District Memorial Hospital — Report 2008–09

Young Farmers' Finance Council — Report 2008–09

Youth Parole Board and Youth Residential Board — Report 2008–09

Zoological Parks and Gardens Board — Report 2008–09 (two documents).

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy and Resources Legislation Amendment Bill 2009 without amendment.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 November 2009 (*Mr Batchelor*) — put and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

16 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Lim*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Personal Property Securities (Commonwealth Powers) Bill 2009 without amendment.

- 20 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill *'for an Act to amend the Gambling Regulation Act 2003 to provide for certain transitional arrangements that will apply to venue operator licences held by specified racing clubs and for other purposes'*.

On the motion of Mr Robinson, the Bill was read a first time and ordered to be read a second time tomorrow.

- 21 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 22 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 23 **SENTENCING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 October 2009 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time.

Question — That these Bills be now read a second time, the Government amendment to the **La Trobe University Bill 2009** be agreed to and these Bills be now read a third time — put and agreed to.

Bills sent to the Legislative Council and their agreement requested.

- 25 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Police Regulation Amendment Bill 2008.

27 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

28 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

29 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

30 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

31 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

32 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

34 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 143, 144 and 145

No 143 — Tuesday 10 November 2009

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **CONSTITUTION (APPOINTMENTS) BILL 2009** — Mr Brumby obtained leave to bring in a Bill '*for an Act relating to actions taken by Lieutenant-Governors and Administrators of the State, to amend the **Constitution Act 1975** and for other purposes*'; and, after debate, the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

4 **CONSTITUTION (APPOINTMENTS) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

5 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision, to amend the **Corrections Act 1986** and other Acts and to repeal the **Serious Sex Offenders Monitoring Act 2005** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Mr Batchelor on behalf of Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the **Summary Offences Act 1966** and the **Control of Weapons Act 1990** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor on behalf of Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the **Country Fire Authority Act 1958** to confer on the Chief Officer a duty to issue warnings and to provide information to the community in relation to bushfires in Victoria, to make provision for identification and designation of neighbourhood safer places and to provide for the representation of volunteer members of brigades and to amend the **Emergency Management Act 1986** in relation to the control of response to fires and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Mr Batchelor on behalf of Mr Pallas obtained leave to bring in a Bill '*for an Act to amend the **Accident Towing Services Act 2007**, the **Crimes Act 1958**, the **EastLink Project Act 2004**, the **Major Transport Projects Facilitation Act 2009**, the **Marine Act 1988**, the **Melbourne City Link Act 1995**, the **Port Services Act 1995**, the **Road Management Act 2004**, the **Road Safety Act 1986**, the **Southern and Eastern Integrated Transport Authority Act 2003** and the*

Transport Act 1983 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *for an Act to amend the Planning and Environment Act 1987 to provide for growth areas infrastructure contributions and to make related amendments to the Building Act 1993, the Project Development and Construction Management Act 1994, the Sale of Land Act 1962, the Subdivision Act 1988, the Taxation Administration Act 1997 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Mr Holding obtained leave to bring in a Bill *for an Act to amend the Taxation Administration Act 1997 in relation to feasibility studies and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Ms Allan obtained leave to bring in a Bill *for an Act to amend the Education and Training Reform Act 2006 to provide for an expedited process for taking action against institutions providing courses to students from overseas and to provide for public disclosure of information about the cancellation or suspension under that Act of the registration, authorisation or approval of certain persons or bodies and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — Mr Robinson obtained leave to bring in a Bill *for an Act to amend the Liquor Control Reform Act 1998 in relation to the consumption of liquor on party buses and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — Mr Merlino obtained leave to bring in a Bill *for an Act to amend the Melbourne (Yarra Park) Land Act 1980, the Melbourne Cricket Ground Act 2009 and the Conservation, Forests and Lands Act 1987 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Housing for Mentally Ill — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 123 signatures (*Mr Smith, Bass*)

New Gambling Machines — Requesting that the Government closes the loophole that now allows for Crown Casino to install 200 more automated gaming machines which were previously disallowed, bearing 34 signatures (*Mr Smith, Bass*)

Show Day Holiday — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 168 and 1243 signatures (*Mr Delahunty and Mr Walsh respectively*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 224 signatures (*Mr Delahunty*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the

need to connect Mildura to both the Melbourne and the national rail networks, bearing 23 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 43 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 30 signatures (*Mr Crisp*)

Pedestrian Crossing in Narre Warren — Requesting that the House acts promptly to establish a pedestrian crossing at the intersection of Webb Street and Centre Road in Narre Warren, bearing 166 signatures (*Ms Graley*)

Alternatives to Goulburn Valley Pipeline — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 32 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 15 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 16 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 17 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 18 **PETITION — NEW GAMBLING MACHINES** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 19 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 20 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 21 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 22 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 23 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

24 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 13 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Electricity Industry Amendment (Critical Infrastructure) Bill 2009
 Fair Work (Commonwealth Powers) Amendment Bill 2009
 Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009
 Health Practitioner Regulation National Health (Victoria) Bill 2009
 Justice Legislation Miscellaneous Amendments Bill 2009
 Local Government (Brimbank City Council) Bill 2009
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009
 Road Legislation Amendment Bill 2009
 State Taxation Acts Further Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Magistrates' Court of Victoria — Report 2008–09

Ordered to be tabled.

Supreme Court of Victoria — Report 2007–08

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agriculture Victoria Services Pty Ltd — Report 2008–09

Australian Centre for the Moving Image — Report 2008–09

Corangamite Catchment Management Authority — Report 2008–09

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Eastern Beach Public Park Reserve, Geelong
 Sandringham Beach Park

East Gippsland Catchment Management Authority — Report 2008–09

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the reports 2008–09 of the:
 Dairy Food Safety Victoria
 Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee
 Northern Victorian Fresh Tomato Industry Development Committee
 Phytogene Pty Ltd
 PrimeSafe
 Veterinary Practitioners Registration Board of Victoria
 Victorian Strawberry Industry Development Committee
 Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:
 Barwon Regional Waste Management Group
 Calder Regional Waste Management Group
 Central Murray Regional Waste Management Group
 Desert Fringe Regional Waste Management Group
 Gippsland Regional Waste Management Group
 Goulburn Valley Regional Waste Management Group
 Grampians Regional Waste Management Group
 Highlands Regional Waste Management Group
 Mildura Regional Waste Management Group
 Mornington Peninsula Regional Waste Management Group
 North East Regional Waste Management Group
 South West Regional Waste Management Group
 Report from the Minister for Health that he had received the Report 2008–09 of the Ballarat General Cemeteries Trust
 Report from the Minister for Skills and Workforce Participation that she had received the Report 2008 of the International Fibre Centre
 Reports from the Minister for Veterans' Affairs that he had received the reports 2008–09 of the:
 Shrine of Remembrance
 Victorian Veterans Council

Fisheries Co-Management Council — Report 2008–09

Geelong Performing Arts Centre Trust — Report 2008–09

Geoffrey Gardiner Dairy Foundation Ltd — Report 2008–09 (two documents)

Glenelg Hopkins Catchment Management Authority — Report 2008–09

Goulburn Broken Catchment Management Authority — Report 2008–09

Harness Racing Victoria — Report 2008–09

Judicial College of Victoria — Report 2008–09

Keilor Cemetery Trust — Report 2008–09

Legal Services Board — Report 2008–09

Legal Services Commissioner — Report 2008–09 — Ordered to be printed

Library Board of Victoria — Report 2008–09

Mallee Catchment Management Authority — Report 2008–09

Melbourne Recital Centre — Report 2008–09

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2009 — Ordered to be printed

Metropolitan Waste Management Group — Report 2008–09

Museums Board of Victoria — Report 2008–09 (two documents)

National Gallery of Victoria, Council of Trustees — Report 2008–09

North Central Catchment Management Authority — Report 2008–09

North East Catchment Management Authority — Report 2008–09

Parliamentary Committees Act 2003:

Government response to the Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Government response to the Law Reform Committee's Report on the Inquiry into Alternative Dispute Resolution and Restorative Justice

Government response to the Public Accounts and Estimates Committee's Report on the 2007–08 Financial and Performance Outcomes

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C86

Baw Baw — C68, C69

Benalla — C3, C23

Boroondara — C87

Casey — C80 Part 3

Frankston — C61

Gannawarra — C24

Glen Eira — C66

Greater Bendigo — C84, C104

Greater Geelong — C154 Part 3, C183

Horsham — C44

Hume — C110, C114, C118

Kingston — C76

Latrobe — C11

Maribyrnong — C73 Part 1

Maroondah — C75

Melton — C64

Mitchell — C39

Moreland — C94

Mornington Peninsula — C98

Stonnington — C105

Surf Coast — C56

Wangaratta — C33

Wellington — C45

Whitehorse — C121

Wyndham — C116

Port Phillip and Westernport Catchment Management Authority — Report 2008–09

Professional Standards Council — Report 2008–09

Public Prosecutions — Director, Committee and Office — Report 2008–09

Recreational Fishing Licence Trust Account — Report 2008–09 on the disbursement of Revenue

Sentencing Advisory Council — Report 2008–09

Special Investigations Monitor, Office of — Report 2008–09

Statutory Rules under the following Acts:

Coroners Act 2008 — SRs 120, 131

Criminal Procedure Act 2009 — SR 132

Fair Trading Act 1999 — SR 125

Gas Industry Act 2001 — SR 121

Land Acquisition and Compensation Act 1986 — SR 124

Marine Act 1988 — SR 126

National Gas (Victoria) Act 2008 — SR 122

Police Integrity Act 2008 — SR 117

Road Management Act 2004 — SR 127

Road Safety Act 1986 — SRs 118, 119, 128, 129, 130

Supreme Court Act 1986 — SR 132

Water Act 1989 — SR 123

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 120, 131, 132

Ministers' exemption certificates in relation to Statutory Rules 107, 117, 121, 122, 124, 125, 126, 127, 128

Trust for Nature — Report 2008–09 (two documents)

Victoria Grants Commission — Report 2008–09

Victoria Law Foundation — Report 2008–09

Victorian Arts Centre Trust — Report 2008–09 (two documents)

Victorian Catchment Management Council — Report 2008–09

Victorian Civil and Administrative Tribunal — Report 2008–09

Victorian Energy Networks Corporation — Report 2008–09

Victorian Equal Opportunity and Human Rights Commission — Report 2008–09 — Ordered to be printed

Victorian Institute of Forensic Medicine — Report 2008–09

Victorian Law Reform Commission — Report 2008–09 — Ordered to be printed

Victorian Multicultural Commission — Report 2008–09

Victorian Privacy Commissioner, Office of — Report 2008–09 — Ordered to be printed

Victorian Small Business Commissioner, Office of — Report 2008–09

VITS LanguageLink — Report 2008–09

West Gippsland Catchment Management Authority — Report 2008–09 (two documents)

Wimmera Catchment Management Authority — Report 2008–09.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009 — Whole Act — 1 November 2009 (*Gazette G44, 29 October 2009*)

Gambling Regulation Further Amendment Act 2009 — Part 1, Part 2 (except ss 4, 6 to 8, 10, 12 to 16, 18, 19(1), 21 to 24, 44, 45 and 51 to 54), Part 3, Part 4 (except s 85(2)), Part 5, Part 6, Part 8 (except ss 108 to 110), Part 9 (except Division 1 of that Part) and Part 10 — 21 October 2009; Part 7 — 25 November 2009 (*Gazette S363, 21 October 2009*)

Greenhouse Gas Geological Sequestration Act 2008 — Part 1, s 14, Divisions 1 and 2 of Part 3 and ss 147 to 150 — 30 October 2009 (*Gazette G44, 29 October 2009*)

Justice Legislation Further Amendment Act 2009 — Parts 2, 5, 6 and the remaining provisions of Part 9 (except Divisions 6 and 8 of that Part) — 30 October 2009; Division 6 of Part 9 — 9 November 2009 (*Gazette G44, 29 October 2009*)

Liquor Control Reform Amendment (Licensing) Act 2009 — Sections 3, 27 and 29 — 29 October 2009; Remaining provisions — 1 January 2010 (*Gazette G44, 29 October 2009*)

Major Transport Projects Facilitation Act 2009 — Whole Act — 1 November 2009 (*Gazette G44, 29 October 2009*)

Racing Legislation Amendment (Racing Integrity Assurance) Act 2009 — Whole Act (except Parts 2, 3 and 4) — 15 October 2009 (*Gazette G42, 15 October 2009*)

Road Legislation Amendment Act 2009 — Remaining provisions — 9 November 2009 (*Gazette S390, 4 November 2009*)

Transport Legislation Miscellaneous Amendments Act 2009 — Section 3 — 26 October 2009 (*Gazette G43, 22 October 2009*).

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment (Licensing) Bill 2009 without amendment.
- 26 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 21 October 2009

Energy and Resources Legislation Amendment Bill 2009

Gambling Regulation Further Amendment Bill 2009

Liquor Control Reform Amendment (Licensing) Bill 2009

Personal Property Securities (Commonwealth Powers) Bill 2009

On 27 October 2009

Cemeteries and Crematoria Amendment Bill 2009.

- 27 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Justice Legislation Miscellaneous Amendments Bill 2009

Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009

State Taxation Acts Further Amendment Bill 2009.

- 28 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 November 2009:

Electricity Industry Amendment (Critical Infrastructure) Bill 2009

Fair Work (Commonwealth Powers) Amendment Bill 2009

Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009

Health Practitioner Regulation National Law (Victoria) Bill 2009

Justice Legislation Miscellaneous Amendments Bill 2009
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009
 State Taxation Acts Further Amendment Bill 2009

(Mr Batchelor) — put, after debate, and agreed to.

29 **STATEMENTS BY MEMBERS** — Statements by members were made.

30 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 24 November 2009.

31 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — *Mr Robinson* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

32 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

33 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

34 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

35 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Planning Legislation Amendment Bill 2009 (No. 2) without amendment.

36 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 37 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 144 — Wednesday 11 November 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 77 signatures (*Dr Sykes*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 453, 340 and 486 signatures (*Dr Sykes, Mr Northe and Mr Jasper respectively*)

Social Housing in Ferntree Gully — Requesting that the House postpones the proposed social housing development at the former Ferntree Gully Primary School site pending a thorough consultation period with the community, bearing 121 signatures (*Mr Wakeling*)

Amendments to Lara Structure Plan — Requesting that the House does not allow the parcels of land adjacent to Serendip Sanctuary referred to as the Caddy's Road Development to be rezoned from Rural Living to Residential 1, bearing 2406 signatures (*Mr Eren*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 27 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 29 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 28 signatures (*Mr Crisp*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 42 signatures (*Mr Northe*)

MICA Paramedic Service — Requesting that the Minister for Health addresses the proposed loss of the MICA paramedics service as a matter of urgency, bearing 17 signatures (*Mr Dixon*)

Southern Peninsula Aquatic Centre — Requesting that the House instructs the Department of Sustainability and Environment to immediately grant coastal consent to allow the planning and construction of the Southern Peninsula Aquatic Centre in Rosebud, bearing 10 signatures (*Mr Dixon*)

Criteria for Mergers of Schools — Requesting that the House asks the Minister for Education to review the criteria for school mergers and provide support for schools to prevent the necessity to merge, bearing 108 signatures (*Mr Dixon*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 207 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — MICA PARAMEDIC SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — SOUTHERN PENINSULA AQUATIC CENTRE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — CRITERIA FOR MERGERS OF SCHOOLS** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 7 **PETITION — SOCIAL HOUSING IN FERNTREE GULLY** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 8 **PETITION — AMENDMENTS TO LARA STRUCTURE PLAN** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 13 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

15 **DOCUMENTS**

PARTNERSHIPS VICTORIA PROJECT SUMMARY: THE BIOSCIENCES RESEARCH CENTRE PROJECT — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: The Biosciences Research Centre Project be tabled (*Mr Pallas*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Local Government: Results of the 2008–09 Audits — Ordered to be printed

Management of the Community Support Fund — Ordered to be printed

Public Hospitals: Results of the 2008–09 Audits — Ordered to be printed

Responding to Mental Health Crises in the Community — Ordered to be printed

Towards a 'smart grid' — the roll-out of Advanced Metering Infrastructure — Ordered to be printed

Financial Management Act 1994 — 2009–10 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2009

Major Sporting Events Act 2009 — Major sporting event order under s 22

National Parks Act 1975:

Advice under s 11

Report on the Cobboboonee National Park under s 17 (two documents)

Planning and Environment Act 1987 — Urban Growth Boundary — Victoria Planning Provision Amendment VC55, explanatory documents and maps.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SAFETY ON PUBLIC TRANSPORT NETWORK** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Liberal National Coalition for its policy initiative that in government it will provide more than 900 Protective Service Officers and 100 extra Transit Police to improve public safety on the public transport network and condemns the Government for the fact that there are on average five acts of violence a day committed on the network, an increase of over 40 per cent since the election of the current Government, which has taken no effective action to stem this escalating problem thereby leaving those who use the public transport system in Victoria dangerously exposed to acts of violence.'

Mr Ryan addressed the House — Discussion followed.

[The Deputy Speaker having left the Chair at 10.45 am, resumed it at 11.17 am]

- 18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part Two

Education and Training Committee's Report on the Inquiry into dress codes and school uniforms in Victorian Schools

Business having been interrupted at 2.00 pm under standing orders.

19 **QUESTIONS** — (Under SO 55).

20 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements continued on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007–08.

21 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

22 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

23 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 24 November 2009.

24 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

25 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Renewable Energy Amendment Bill 2009 without amendment.

- 28 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 10 inclusive, be postponed until later this day.

- 29 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 30 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment (School Age) Bill 2009 without amendment.

- 31 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Mr Pallas made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 32 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 33 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 34 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 35 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

- 36 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 145 — Thursday 12 November 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 20, 44 and 484 signatures (*Dr Sykes, Mr Crisp and Mr Weller respectively*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 293 and 167 signatures (*Dr Sykes and Mr Weller respectively*)

Croydon South Primary School Site — Requesting that the Government turns the disused Croydon South Primary School site into public parkland and open space and allows the buildings to be used by community groups, bearing 14 signatures (*Mr Hodgett*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 28 and 19 signatures respectively (*Mr Delahunty and Mr Crisp respectively*)

Marine Safety Laws — Requesting that the House ensures that rural people are not disadvantaged by the proposed changes to marine safety laws by introducing skill based licence testing and rejects — (a) restricting the distance boats may travel offshore; (b) increasing boat registration; (c) introducing owner onus; and (d) increasing penalties and charges to recreational boaters, bearing 186 signatures (*Mr Delahunty*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 47 signatures (*Mr Crisp*)

Shepparton to Cobram Passenger Rail Services — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 390 signatures (*Mr Jasper*)

Sand Road Intersection, Longwarry — Requesting that the House directs the Government to take immediate action in upgrading the intersection of Sand Road and Princes Freeway at Longwarry, to incorporate slipway and flyover access onto the Princes Freeway, bearing 1083 signatures (*Mr Blackwood*)

Accountability of Ombudsman — Requesting that the House — (a) reviews the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to ensure the Office of the Ombudsman is accountable, open, transparent and fair in its dealings with the public; (b) revokes freedom of information exemptions applying to the Ombudsman; and (c) establishes mandatory disciplinary action and penalties for breaches of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*)

Natural Gas Extension Program — Requesting that the Government commits to a further round of funding through the Natural Gas Extension Program to subsidise natural gas reticulation to Heathcote, bearing 80 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 4 **PETITION — SAND ROAD INTERSECTION, LONGWARRY** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 6 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 10 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 11 **PETITION — NATURAL GAS EXTENSION PROGRAM** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 13 **PETITION — MARINE SAFETY LAWS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 14 **PETITION — CROYDON SOUTH PRIMARY SCHOOL SITE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 15 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla on Wednesday 11 November 2009 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla on Wednesday 11 November 2009 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 18 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Infertility Treatment Authority — Report 2008–09

Mildura Cemetery Trust — Report 2008–09

Ombudsman — Own motion investigation into the tendering and contracting of information and technology services within Victoria Police — Ordered to be printed.

20 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 November 2009 (*Ms Neville*) — put and agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

23 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

24 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

25 **QUESTIONS** — (Under SO 55).

26 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 November 2009 had expired.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49¹

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

¹ Originally reported as 50. Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 49 rather than 50.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 27 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Brimbank City Council) Bill 2009 without amendment.

- 29 **CONSTITUTION (APPOINTMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 30 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Tilley*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

- 31 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Tilley*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

- 32 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

34 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.11 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 146, 147 and 148

No 146 — Tuesday 24 November 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to repeal certain redundant Acts relating to companies and related matters and to make a consequential amendment to the Corporations (Ancillary Provisions) Act 2001*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the Water Act 1989 and the Residential Tenancies Act 1997 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to the University named Royal Melbourne Institute of Technology, to repeal the Royal Melbourne Institute of Technology Act 1992 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to Swinburne University of Technology, to repeal the Swinburne University of Technology Act 1992 and to make consequential amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIA UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to Victoria University, to repeal the Victoria University of Technology Act 1990 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **UNIVERSITY OF BALLARAT BILL 2009** — Ms Allan obtained leave to bring in a Bill '*for an Act to re-enact with amendments the law relating to the University of Ballarat, to repeal the University of Ballarat Act 1993 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 41 signatures (*Ms Allan*)
 - Victorian College of the Arts and Music** — Requesting that the House takes action to safeguard the Faculty of the Victorian College of the Arts and Music as the premier arts training institution by —
 - (a) ensuring its integrity by freezing any curriculum changes until genuine consultation takes place;
 - and (b) allocating sufficient funding, bearing 13564 signatures (*Mr Hudson*)

Route 75 Tram Service — Requesting that the House asks the Government to fund the extension of the Route 75 tram service from Vermont South to Knox as part of the 2010–11 State budget and subsequent budgets, bearing 1448 signatures (*Ms Marshall*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 61 signatures (*Mr Burgess*)

Glenelg Highway — Requesting that the House gives careful consideration to the repair or replacement of the Glenelg Highway particularly the section between Coleraine and Casterton in the next financial year, bearing 385 signatures (*Mr Delahunty*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 40 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 25 signatures (*Mr Crisp*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 19 signatures (*Mr Crisp*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 72 signatures (*Mr Northe*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 79 signatures (*Mr Northe*)

Office of Housing Properties — Cooling Facilities — Requesting that the House amends legislation to ensure it is a standard requirement that air conditioning and/or ceiling fans are installed in Office of Housing properties, bearing 128 signatures (*Mr Northe*)

Warragul Railway Station — Park and Ride Facilities — Requesting that the House directs the Government to take immediate action on its previous commitment to establish Park and Ride facilities at the Warragul Railway Station, bearing 2787 signatures (*Mr Blackwood*).

Petitions ordered to be tabled.

- 10 **PETITION — GLENELG HIGHWAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 11 **PETITION — VICTORIAN COLLEGE OF THE ARTS AND MUSIC** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 13 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — WARRAGUL RAILWAY STATION — PARK AND RIDE FACILITIES** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 16 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 18 **PETITION — OFFICE OF HOUSING PROPERTIES — COOLING FACILITIES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 19 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 14 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Constitution (Appointments) Bill 2009
 Education and Training Reform Amendment (Overseas Students) Bill 2009
 Education and Training Reform Amendment (School Age) Bill 2009
 Emergency Services Legislation Amendment Bill 2009
 Fire Services Funding (Feasibility Study) Bill 2009
 Health Practitioner National Health (Victoria) Bill 2009
 Liquor Control Reform Amendment (Party Buses) Bill 2009
 Melbourne Cricket Ground and Yarra Park Amendment Bill 2009
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009
 Serious Sex Offenders (Detention and Supervision) Bill 2009
 Summary Offences and Control of Weapons Acts Amendment Bill 2009
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on Exceptions and Exemptions to the *Equal Opportunity Act 1995*, together with extracts from the proceedings, appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, extracts from the proceedings, appendices and minority report printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE —

Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary, together with appendices, extracts from the proceedings, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Report on the Annual Financial Report of the State of Victoria 2008–09 — Ordered to be printed

Bushfires Royal Commission (Report) Act 2009 — 2009 Victorian Bushfires Royal Commission Interim Report 2: Priorities for Building in Bushfire Prone Areas, November 2009 — Ordered to be printed

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Torquay and Jan Juc Foreshore Reserve

Order under s 17D granting a lease over Scotchmans Creek Linear Reserve Park

Melbourne Central City Studios Pty Ltd — Report 2008–09, together with an explanation for the delay

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C42

Boroondara — C103

Cardinia — C125

Colac Otway — C59

Corangamite — C26

Glenelg — C47

Greater Geelong — C93, C141, C191

Kingston — C81

Manningham — C84

Melbourne — C154

Moonee Valley — C93

Moorabool — C49

Mornington Peninsula — C132

Port Phillip — C74

West Wimmera — C18

Whittlesea — C116

Wodonga — C56

Yarra — C118

Project Development and Construction Management Act 1994 — Nomination orders under s 6, application orders under s 8 and statements under s 9 of reasons for making a nomination order (six documents)

Queen Victoria Women's Centre Trust — Report 2008–09

Special Investigations Monitor, Office of — Report for period ended 30 June 2009 under s 39 of the *Crimes (Controlled Operations) Act 2004*, s 131T of the *Fisheries Act 1995* and s 74P of the *Wildlife Act 1975*

Statutory Rules under the following Acts:

Alpine Resorts (Management) Act 1997 — SR 136
Births, Deaths and Marriages Registration Act 1996 — SR 133
Building Act 1993 — SR 139
Corrections Act 1986 — SR 135
Gambling Regulation Act 2003 — SR 141
Liquor Control Reform Act 1998 — SR 134
Road Safety Act 1986 — SRs 137, 138, 140

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 130, 135, 137, 138, 139, 141

Victorian Industry Participation Policy — Report 2008–09.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Local Government Amendment (Offences and Other Matters) Bill 2009
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009.

- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 17 November 2009
 Education and Training Reform Amendment (School Age) Bill 2009
 Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009
 Local Government Amendment (Offences and Other Matters) Bill 2009
 Local Government (Brimbank City Council) Bill 2009
 Planning Legislation Amendment Bill 2009
 Victorian Renewable Energy Amendment Bill 2009

On 24 November 2009
 Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Emergency Services Legislation Amendment Bill 2009
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009
 Serious Sex Offenders (Detention and Supervision) Bill 2009
 Summary Offences and Control of Weapons Acts Amendment Bill 2009
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009.

- 23 **PARLIAMENTARY COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That —

- (1) The resolution of the House of 4 December 2007 providing that the **Road Safety Committee** be required to present its report, on the Inquiry into Federal-State Road Funding Arrangements, to the Parliament no later than 30 September 2009 be amended so far as to require the report to be presented to the Parliament no later than 1 July 2010;
- (2) The resolution of the House of 4 December 2008 providing that the **Education and Training Committee** be required to present its report, on the Inquiry into Skills Shortages in the Rail Industry, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 30 April 2010;
- (3) The resolution of the House of 4 December 2008 providing that the **Environment and Natural Resources Committee** be required to present its report, on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 28 February 2010 —

(Mr Batchelor) — put and agreed to.

24 **ORDERS OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That —

- (1) The Orders of the House making the resumption of debate on the second readings of the:
 - (a) Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009;
 - (b) Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009;
 - (c) Fire Services Funding (Feasibility Study) Bill 2009;
 - (d) Education and Training Reform Amendment (Overseas Students) Bill 2009 —
Orders of the Day for Wednesday 25 November 2009, be read and rescinded;
- (2) The Orders of the House making the resumption of debate on the second readings of the:
 - (a) Summary Offences and Control of Weapons Acts Amendment Bill 2009; and
 - (b) Serious Sex Offenders (Detention and Supervision) Bill 2009 —
Orders of the Day for Thursday 26 November 2009, be read and rescinded; and
- (3) These Bills be made Orders of the Day for today —

(Mr Batchelor) — put, after debate, and agreed to.

25 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 26 November 2009:

Education and Training Reform Amendment (Overseas Students) Bill 2009
 Emergency Services Legislation Amendment Bill 2009
 Fire Services Funding (Feasibility Study) Bill 2009
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009
 Summary Offences and Control of Weapons Acts Amendment Bill 2009
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

26 **STATEMENTS BY MEMBERS** — Statements by members were made.

27 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Appointments) Bill 2009 without amendment.

29 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

30 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 147 — Wednesday 25 November 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 160 signatures (*Dr Sykes*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 349 and 31 signatures (*Dr Sykes and Mr Delahunty respectively*)

Social Housing in Doncaster — Requesting that the House postpones the commencement of the social housing development on Tram Road, Doncaster pending further consultation with the community, bearing 134 signatures (*Ms Wooldridge*)

Route 75 Tram Service — Requesting that the House asks the Government to fund the extension of the Route 75 tram service from Vermont South to Knox as part of the 2010–11 State budget and subsequent budgets, bearing 70 signatures (*Ms Marshall*)

Traffic Lights in Delahey — Requesting that the Minister for Roads and Ports, VicRoads and Brimbank City Council take immediate action to install traffic lights on the corner of Kings and Taylors Road, Delahey, bearing 20 signatures (*Mr Seitz*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 45 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 24 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 25 signatures (*Mr Crisp*)

Rail Services for Eaglehawk — Requesting that the Government provides an increase in the number of rail services from the Eaglehawk railway station and provides improved parking and CCTV facilities, bearing 139 signatures (*Mr Mulder*)

Closure of Essendon Airport — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 154 signatures (*Dr Naphthine*)

Public and Social Housing in Ringwood — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 46 signatures (*Mr Smith, Warrantdyte*).

Petitions ordered to be tabled.

3 DOCUMENTS

ROAD SAFETY COMMITTEE — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Maintaining the Integrity and Confidentiality of Personal Information — Ordered to be printed

Managing Offenders on Community Corrections Orders — Ordered to be printed

Vehicle Fleet Management — Ordered to be printed

Water Entities: Results of the 2008–09 Audits — Ordered to be printed

Professional Standards Act 2003:

Notice of revocation of the Engineers Australia (Victoria) Scheme (*Gazette G 47, 19 November 2009*)

Engineers Australia (Victoria) Scheme under s 14 (*Gazette G 47, 19 November 2009*).

4 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009

— Mr Robinson obtained leave to bring in a Bill *for an Act to amend the Conveyancers Act 2006, the Estate Agents Act 1980,*

the Fair Trading Act 1999, the Owners Corporations Act 2006, the Prostitution Control Act 1994, the Sale of Land Act 1962 and the Trade Measurement (Administration) Act 1995, to repeal the Collusive Practices Act 1965, the Fuel Prices Regulation Act 1981, the Marketable Securities Act 1970, the Petroleum Retail Selling Sites Act 1981, the Petroleum Products (Terminal Gate Pricing) Act 2000, the Private Agents Act 1966, the Trade Measurement Act 1995, the Trade Measurement (Administration) Act 1995 and the Utility Meters (Metrological Controls) Act 2002, to repeal provisions of the Landlord and Tenant Act 1958 and re-enact a provision in the Property Law Act 1958, to repeal certain provisions of, and make consequential amendments to, various other Acts and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 5 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Deakin University Bill 2009
La Trobe University Bill 2009
Monash University Bill 2009
University of Melbourne Bill 2009.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Road Safety Committee's Report on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part Two

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism in Young People.

- 8 **CARBON POLLUTION REDUCTION SCHEME** — Motion made and question — That this House accepts the overwhelming scientific consensus that human activity is causing global warming and urges effective action to reduce greenhouse gas emissions and mitigate the effects of climate change and specifically this House calls for:

- (1) The Federal Senate to pass the Carbon Pollution Reduction Scheme (CPRS) legislation as soon as possible;
- (2) The international leaders gathering in Copenhagen to prepare an effective, binding international agreement to reduce greenhouse gas emissions;
- (3) A combined effort by Australian governments, communities and businesses to successfully implement the CPRS and make a smooth transition to a low-carbon future —

(*Mr Brumby*) — put, after debate and agreed to.

9 **RURAL AND REGIONAL COMMITTEE** — Motion made and question — That under s 33 of the *Parliamentary Committees Act 2003*, the **Rural and Regional Committee** be required to inquire into, consider and report no later than 31 August 2010 on positioning the Wimmera-Mallee Pipeline region to capitalise on new economic development opportunities and, in particular, the Committee is required to:

- (1) Identify the economic development opportunities that will arise as a result of the Wimmera-Mallee Pipeline;
- (2) Explore the strengths of the Wimmera-Mallee region as a business location, including an industry capability analysis to identify the industries that would be best placed to establish in this region;
- (3) Identify the key factors that should be promoted to attract investment to this region;
- (4) Recommend actions that can be taken by the Victorian Government to support the region to capitalise on the opportunities arising from the Wimmera-Mallee Pipeline —

(*Ms Allan*) — put, after debate, and agreed to.

10 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

[The Speaker having left the Chair at 2.14 pm, resumed it at 2.16 pm]

12 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Resumption of debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ingram announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

13 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Nardella*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

14 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Thomson, Footscray*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 18 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sentencing Amendment Bill 2009 without amendment.

- 20 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Maddigan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 22 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 23 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Ms Allan*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 24 **SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry Amendment (Critical Infrastructure) Bill 2009 without amendment.

- 26 **VICTORIA UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Miscellaneous Amendments Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

- 28 **UNIVERSITY OF BALLARAT BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 9 December 2009.
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Allan*) — put and agreed to.
- 30 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.18 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 148 — Thursday 26 November 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 37 signatures (*Mr Smith, Bass*)
- Paramedics for Heyfield District** — Requesting that the Government shows its support for an application for permanent paramedics in the Heyfield and district community, bearing 1724 signatures (*Mr Ingram*)
- Show Day Holiday** — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 241 signatures (*Mr Delahunty*)
- Roadside Cropping in Hindmarsh Shire** — Requesting that the House prevents Hindmarsh Shire from planting native grasses and trees along the Minyip Road and allows the farmers to continue their roadside cropping program, bearing 916 signatures (*Mr Delahunty*)
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 67 signatures (*Mr Crisp*)
- Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 24 signatures (*Mr Crisp*)
- Graffiti in the City of Kingston** — Requesting that the Government reviews current laws dealing with graffiti, increases sentencing options for magistrates dealing with graffiti offenders between

12 and 18 years old and mandates government and community responsibilities for graffiti removal within 48 hours, bearing 398 and 378 signatures (*Ms Munt and Mr Thompson, Sandringham respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — GRAFFITI IN THE CITY OF KINGSTON** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 4 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 5 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 6 **PETITION — ROADSIDE CROPPING IN HINDMARSH SHIRE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 7 **PETITION — PARAMEDICS FOR HEYFIELD DISTRICT** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to
- 10 **PETITION — RAIL SERVICES FOR EAGLEHAWK** — Motion made and question — That the petition presented by the Member for Polwarth on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to
- 11 **PETITION — SOCIAL HOUSING IN DONCASTER** — Motion made and question — That the petition presented by the Member for Doncaster on Wednesday 25 November 2009 be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — MELBOURNE-MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **DOCUMENTS**

PARTNERSHIPS VICTORIA PROJECT SUMMARY: VICTORIAN DESALINATION PROJECT — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Victorian Desalination Project be tabled (*Mr Holding*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commissioner for Environmental Sustainability Act 2003 — Government response to the State of the Environment Report Victoria 2008

Financial Management Act 1994 — Budget Update 2009–10

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 March 2007–August 2007

Ombudsman — Own motion investigation into the Department of Human Services Child Protection Program — Ordered to be printed.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 December 2009 (*Mr Batchelor*) — put and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

22 **QUESTIONS** — (Under SO 55).

23 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **POSTPONEMENT OF ORDER OF THE DAY** — Motion made question — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day (*Ms Kosky*) — after debate, put.

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

- 25 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

- 27 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see pp 781–2*).

Allocation of time — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 November 2009 had expired.*

Question — That the words proposed to be omitted stand part of the clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That clause 1 stand part of the Bill — put and agreed to.

Question — That clauses 2 to 6 inclusive stand part of the Bill, the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Bill sent to the Legislative Council and their agreement requested.

- 30 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 32 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 33 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 34 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 35 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Fair Work (Commonwealth Powers) Amendment Bill 2009
Emergency Services Legislation Amendment Bill 2009.

- 36 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 8 be postponed until later this day.

- 37 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 December 2009.

- 38 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

- 39 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.01pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 146, 147 and 148

No 148 — Thursday 26 November 2009

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009

Clause 1, Mr Wells moved amendment No 1 (*see Schedule*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 November 2009 had expired (for remaining stages see p 778).

SCHEDULE OF AMENDMENT MOVED

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009

Amendment moved by Mr Wells

1. Clause 1, lines 3 and 4, omit "feasibility studies" and insert "the conduct of a fire services funding feasibility study".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 149, 150 and 151

No 149 — Tuesday 8 December 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Magistrates' Court Act 1989** to establish a Mental Health List in the Magistrates' Court for a trial period, to provide for its operation and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Crimes Act 1958** to restructure the maximum penalties for the offence of sexual penetration of a child under the age of 16, to amend the **Crimes (Controlled Operations) Act 2004**, the **Evidence (Miscellaneous Provisions) Act 1958**, the **Family Violence Protection Act 2008**, the **Fisheries Act 1995**, the **Sentencing Act 1991** and the **Wildlife Act 1975** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**, to consequentially amend certain other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to create a framework for public finance and financial management, to repeal the **Public Authorities (Dividends) Act 1983**, the **Borrowing and Investment Powers Act 1987**, the **Financial Management Act 1994** and the **Monetary Units Act 2004**, to amend the **Constitution Act 1975** and the **Administrative Arrangements Act 1983** and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Mr Andrews obtained leave to bring in a Bill '*for an Act to enact a new legislative scheme for the detention and treatment of persons with a severe substance dependence, to repeal the **Alcoholics and Drug-dependent Persons Act 1968** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the **Education and Training Reform Act 2006** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **TRANSPORT INTEGRATION BILL 2009** — Ms Kosky obtained leave to bring in a Bill '*for an Act to create a new framework for the provision of an integrated and sustainable transport system in Victoria, to amend the **Transport Act 1983**, the **Marine Act 1988**, the **Rail Corporations Act 1996**,*

the Eastlink Project Act 2004 and certain other Acts, to repeal the Southern and Eastern Integrated Transport Authority Act 2003 and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

11 **LIVESTOCK MANAGEMENT BILL 2009** — Mr Helper obtained leave to bring in a Bill *'for an Act to regulate livestock management in Victoria and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 79 signatures (*Dr Sykes*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 33 and 118 signatures (*Dr Sykes and Mr Jasper respectively*)

Upper Yarra Valley Fire Protection — Requesting that the House supports the residents of the Upper Yarra Valley region by — (a) adding the Upper Yarra Valley to the list of 52 townships nominated as high risk fire areas in Victoria and reviewing traffic flow and exit strategies in the Warburton area; (b) providing safe and suitable refuges in Warburton and East Warburton; (c) implementing a township warning system and protection plan; (d) providing permanent radio reception to ABC 774 to Warburton and East Warburton; and (e) increasing the area of annual fuel reduction as recommended by the Environmental and Natural Resources Committee, bearing 578 signatures (*Mrs Fyffe*)

Road Works in Loch Sport — Requesting that the House asks the Government to undertake immediate repairs and improvements to Loch Sport Road in view of proposed increased use of the road, bearing 254 signatures (*Mr Ryan*)

Show Day Holiday — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 38 signatures (*Mr Delahunty*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 14 signatures (*Mr Crisp*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 17 signatures (*Mr Crisp*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 20 signatures (*Mr Crisp*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 14 and 51 signatures (*Mr Crisp and Mr Walsh respectively*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 28 signatures (*Mr Northe*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 62 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

13 **PETITION — UPPER YARRA VALLEY FIRE PROTECTION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

18 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

19 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

20 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

21 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

22 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

23 DOCUMENTS

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2008–09 be tabled (*Mr Wynne*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 15 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Consumer Affairs Legislation Amendment Bill 2009
 Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009
 Legislation Reform (Repeals No. 5) Bill 2009
 Royal Melbourne Institute of Technology Bill 2009
 Swinburne University of Technology Bill 2009
 University of Ballarat Bill 2009
 Victoria University Bill 2009
 Water Amendment (Entitlements) Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Health Services Commissioner — Investigation Report into Shamir Shalom — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 125 (*Gazette G47, 19 November 2009*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ararat — C14 Part 1, C15
 Ballarat — C107
 Bass Coast — C97, C106
 Baw Baw — C72
 Cardinia — C60
 East Gippsland — C63
 Golden Plains — C46
 Greater Dandenong — C104
 Horsham — C25 Part 3, C48
 Kingston — C108
 Latrobe — C52
 Manningham — C85
 Monash — C74
 Moyne — C21
 South Gippsland — C45
 Stonnington — C83
 West Wimmera — C19
 Whitehorse — C20, C122
 Wodonga — C41, C61, C70
 Wyndham — C111
 Yarra — C99
 Yarra Ranges — C40

Statutory Rules under the following Acts:

Criminal Procedure Act 2009 — SR 145
Relationships Act 2008 — SR 142
Supreme Court Act 1986 — SRs 144, 145, 146
Wildlife Act 1975 — SR 143

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 144, 145, 146
 Minister's exemption certificate in relation to Statutory Rule 140

Wrongs Act 1958 — Notice under s 28LXA (*Gazette G48, 26 November 2009*).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Greenhouse Gas Geological Sequestration Act 2008 — Remaining provisions (except Division 2 of Part 18) — 1 December 2009 (*Gazette S439, 1 December 2009*)
National Parks Amendment (Point Nepean) Act 2009 — Sections 3, 4, 5, 6, 7 and 8 — 6 December 2009 (*Gazette G49, 3 December 2009*)
Personal Property Securities (Commonwealth Powers) Act 2009 — Section 6(2) — 26 November 2009 (*Gazette G48, 26 November 2009*).

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Casino Legislation Amendment Bill 2009
 Health Practitioner Regulation National Law (Victoria) Bill 2009
 Land Legislation Amendment Bill 2009
 Land (Revocation of Reservations and Other Matters) Bill 2009
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009
 State Taxation Acts Further Amendment Bill 2009.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Valuation of Land Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 26 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 1 December 2009
 Constitution (Appointments) Bill 2009
 Deakin University Bill 2009
 Electricity Industry Amendment (Critical Infrastructure) Bill 2009
 Emergency Services Legislation Amendment Bill 2009
 Fair Work (Commonwealth Powers) Amendment Bill 2009
 La Trobe University Bill 2009
 Monash University Bill 2009
 Sentencing Amendment Bill 2009
 University of Melbourne Bill 2009

On 8 December 2009
 Health Practitioner Regulation National Law (Victoria) Bill 2009

Land Legislation Amendment Bill 2009
 Land (Revocation of Reservations and Other Matters) Bill 2009
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009
 State Taxation Acts Further Amendment Bill 2009.

- 27 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Consumer Affairs Legislation Amendment Bill 2009
 Liquor Control Reform Amendment (Party Buses) Bill 2009
 Royal Melbourne Institute of Technology Bill 2009
 Swinburne University of Technology Bill 2009
 University of Ballarat Bill 2009
 Victoria University Bill 2009.

- 28 **RURAL AND REGIONAL COMMITTEE — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Speaker announced that she had received the resignations of Ms Marshall, from the Rural and Regional Committee, and Mr Ryan Smith from the Scrutiny of Acts and Regulations Committee, effective from today.

- 29 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That Mr Nardella be appointed a member of the Rural and Regional Committee and Mr Burgess be appointed a member of the Scrutiny of Acts and Regulations Committee (*Mr Batchelor*) — put and agreed to.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 December 2009:

Consumer Affairs Legislation Amendment Bill 2009
 Justice Legislation Miscellaneous Amendments Bill 2009 — Amendment of the Legislative Council
 Legislation Reform (Repeals No. 5) Bill 2009
 Liquor Control Reform Amendment (Party Buses) Bill 2009
 Melbourne Cricket Ground and Yarra Park Amendment Bill 2009
 Royal Melbourne Institute of Technology Bill 2009
 Swinburne University of Technology Bill 2009
 University of Ballarat Bill 2009
 Victoria University Bill 2009
 Water Amendment (Entitlements) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 32 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009, VICTORIA UNIVERSITY BILL 2009 AND UNIVERSITY OF BALLARAT BILL 2009** — Motion made and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Royal Melbourne Institute of Technology Bill 2009, the Swinburne University of Technology Bill 2009, the Victoria University Bill 2009 and the University of Ballarat Bill 2009 to be moved and debated concurrently (*Mr Batchelor*) — put, after debate, and agreed to.

- 33 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 34 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 798–9*).

Bill sent to the Legislative Council and their agreement requested.

- 35 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009 without amendment.

- 36 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 37 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 38 **VALUATION OF LAND AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 39 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 40 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.29 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 150 — Wednesday 9 December 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Public Land and Fire Management Practices — Requesting that the House calls on the Government to fully implement the recommendations of the Environment and Natural Resources Committee's report into public land management, including increasing the levels of fuel reduction and ecological burning to 385,000 hectares per annum, bearing 71 signatures (*Mr Ingram*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 262 signatures (*Mr Burgess*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 61 signatures (*Mrs Powell*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 212 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — PUBLIC LAND AND FIRE MANAGEMENT PRACTICES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Warrandyte on Tuesday 8 December 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 7 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

10 **DOCUMENTS**

RESPONSE TO AUDITOR-GENERAL'S REPORTS — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's Reports issued during 2008–09 be tabled (*Mr Holding*) — put and agreed to.

LAW REFORM COMMITTEE — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the review of the *Members of Parliament (Register of Interests) Act 1978*, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

RURAL AND REGIONAL COMMITTEE — Mr Northe presented a report from the Rural and Regional Committee on the Inquiry into Regional Centres of the Future, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Making Public Transport More Accessible for People Who Face Mobility Challenges — Ordered to be printed

Portfolio Departments and Associated Entities: Results of the 2008–09 Audits — Ordered to be printed

Use of Development Contributions by Local Government — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Mornington Peninsula — C118

Yarra Ranges — C105.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People.

- 14 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

Annual Statement of Government Intentions 2009 — Responses to the Statement — Resumption of debate

(*Mr Batchelor*) — put, after debate, and agreed to.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 17 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009, UNIVERSITY OF BALLARAT BILL 2009 AND VICTORIA UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time; debate resumed.

Bills read a second time and, by leave, immediately read a third time.

Bills sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.

21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 9.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 151 — Thursday 10 December 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Housing for Mentally Ill — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 42 signatures (*Mr Smith, Bass*)

Leongatha Hospital — Requesting that the House calls upon the Government to fund the development of a new hospital at Leongatha as a matter of urgency, bearing 3326 signatures (*Mr Ryan*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 40 signatures (*Mr Jasper*)

Warragul Railway Station — Park and Ride Facilities — Requesting that the House directs the Government to take immediate action on its previous commitment to establish Park and Ride facilities at the Warragul Railway Station, bearing 263 signatures (*Mr Blackwood*)

Complaints about the Ombudsman — Requesting that the House acts now to establish an open, transparent and fair complaints resolution management process and to protect the public from the practices and processes of the Office of the Ombudsman, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

3 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

- 6 **PETITION — WARRAGUL RAILWAY STATION — PARK AND RIDE FACILITIES** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

7 **DOCUMENTS**

STANDING ORDERS COMMITTEE — Ms Barker presented a report from the Standing Orders Committee on the Inquiry into Petitions, the Opening of Parliament, and the Passage of Legislation, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crimes (Assumed Identities) Act 2004 — Report 2008–09 under s 31

Forensic Leave Panel — Report 2008

Freedom of Information Act 1982 — Report 2008–09 of the Attorney-General on the operation of the Act

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the handling of drugs exhibits at the Victoria Police Forensic Services Centre — Ordered to be printed

Statutory Rules under the following Acts:

Electricity Safety Act 1998 — SR 151

Environment Protection Act 1970 — SR 152

Fair Trading Act 1999 — SR 148

Greenhouse Gas Geological Sequestration Act 2008 — SRs 149, 150

Travel Agents Act 1986 — SR 147

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rules 147, 148, 152

Minister's infringements offence consultation certificate in relation to Statutory Rule 151

Surveillance Devices Act 1999 — Report 2008–09 under s 30L

Terrorism (Community Protection) Act 2003 — Reports 2008–09 under ss 13 and 13ZR.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 9 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **TRANSPORT INTEGRATION BILL 2009** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 12 **LIVESTOCK MANAGEMENT BILL 2009** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 14 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 15 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 16 **QUESTIONS** — (Under SO 55).

- 17 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 19 **CRIMES LEGISLATION AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 20 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 21 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 22 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 6) Bill 2009 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Cameron*) — put and agreed to.

- 23 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Cameron*) — put, after debate, and agreed to.

- 24 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Mr Holding commenced the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 December 2009 had expired.

- 25 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Debate continued on question — That this Bill be now read a second time.
- Mr Holding concluded the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 December 2009.
- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fire Services Funding (Feasibility Study) Bill 2009 without amendment.
- 28 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 December 2009.
- 29 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Disability Services Commissioner — Report 2008–09
- Food Safety Council — Report 2008–09
- Mental Health Review Board incorporating the Psychosurgery Review Board — Report 2008–09.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 31 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.57 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 149, 150 and 151

No 149 — Tuesday 8 December 2009

LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009

Clauses 1 to 7 agreed to.

Clause 8, Mr Robinson moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 9 and 10 agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009

Amendments moved by Mr Robinson

1. Clause 8, line 2, omit "After" and insert "(1) After".
2. Clause 8, after line 5 insert—
 - '(2) In section 141 of the Principal Act—
 - (a) in subsection (1AA) for "(2)(m)" **substitute** "(2)(fc), (m)";
 - (b) after subsection (2)(fb) **insert**—
 - "(fc) section 113A(1) (consumption of liquor on party buses);".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 152, 153 and 154

No 152 — Tuesday 2 February 2010

1 The House met in accordance with the terms of the resolution of 10 December 2009, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.

2 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — The Premier made a Statement of Government Intentions for 2010.

3 **RESIGNATION OF SEAT** — The Speaker announced that she had on 18 January 2010 received the following letter:

Monday 18 January 2010

The Speaker of the Legislative Assembly
Parliament of Victoria

Dear Speaker

I wish to advise you of my resignation as the Member for Altona in the Victorian Parliament effective immediately.

It has been a great honour to serve the people of Altona for over 13 years, and in particular to serve as a member of the Bracks and Brumby Governments since 1999.

During that time we have seen significant reform and I am proud to have been a member of a team that has delivered substantial and long lasting opportunities for the people of Victoria.

I would like to thank the Premier, the Cabinet and my caucus colleagues for the opportunity to be a Minister. A better team would be hard to find.

And I would like to extend my thanks to those who have shared with me the experience of being a Member of the Victorian Parliament.

Whilst this has been a difficult decision, it is the right decision for my family and me.

Yours truly,

Lynne Kosky MLA
Member for Altona.

4 **ISSUE OF WRIT** — The Speaker announced that she had, on 18 January 2010, issued a writ for a by-election for the electoral district of Altona to be held on Saturday 13 February 2010.

5 **QUESTIONS** — (Under SO 55).

6 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to regulate petroleum exploration and recovery activities and petroleum facilities and the geological storage of carbon dioxide in the*

Victorian offshore area and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 242 signatures (*Dr Sykes*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 125 signatures (*Dr Sykes*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 24 signatures (*Dr Sykes*)

Upper Yarra Valley Fire Protection — Requesting that the House supports the residents of the Upper Yarra Valley region by — (a) adding the Upper Yarra Valley to the list of 52 townships nominated as high risk fire areas in Victoria and reviewing traffic flow and exit strategies in the Warburton area; (b) providing safe and suitable refuges in Warburton and East Warburton; (c) implementing a township warning system and protection plan; (d) providing permanent radio reception to ABC 774 to Warburton and East Warburton; and (e) increasing the area of annual fuel reduction as recommended by the Environment and Natural Resources Committee, bearing 17 signatures (*Mrs Fyffe*)

Leongatha Hospital — Requesting that the House calls upon the Government to fund the development of a new hospital at Leongatha as a matter of urgency, bearing 223 signatures (*Mr Ryan*)

South Gippsland Planning Scheme Amendment C48 — Requesting that the House removes restrictions on property owners in South Gippsland imposed by Planning Amendment C48, bearing 2676 signatures (*Mr Ryan*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 42 signatures (*Mr Crisp*)

Traralgon V/Line Services — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 25 signatures (*Mr Northe*)

Shared Housing Accommodation in Berwick — Requesting that the House calls on the Ministers for Community Services and Housing to reverse the decision of providing an unsupervised shared housing accommodation property for 10 people between the ages of 15 and 17 in Bellevue Drive, Berwick, bearing 414 signatures (*Ms Graley*)

Public and Social Housing in Ringwood — Requesting that the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 12 signatures (*Mr Smith, Warrantdyte*).

Petitions ordered to be tabled.

- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — UPPER YARRA VALLEY FIRE PROTECTION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 12 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 13 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 15 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 1 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Accident Compensation Amendment Bill 2009
 Constitution (Appointments) Bill 2009
 Crimes Legislation Amendment Bill 2009
 Education and Training Reform Amendment Bill 2009
 Legislation Reform (Repeals No. 6) Bill 2009
 Livestock Management Bill 2009
 Magistrates' Court Amendment (Mental Health List) Bill 2009
 Public Finance and Accountability Bill 2009
 Serious Sex Offenders (Detention and Supervision) Bill 2009
 Severe Substance Dependence Treatment Bill 2009
 Summary Offences and Control of Weapons Acts Amendment Bill 2009
 Transport Integration Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Border Groundwaters Agreement Review Committee — Report 2008–09

Family and Community Development Committee — Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness, together with an appendix, a minority report, an extract from the proceedings and transcripts of evidence — Report, appendix, minority report and extract from the proceedings — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Skills and Workforce Participation that she had received the Report 2008–09 of the TAFE Development Centre

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 150 (*Gazette G50, 10 December 2009*), 151 (*Gazette G52, 24 December 2009*), 164 (*Gazette G51, 17 December 2009*), 175/2009 (*Gazette G2, 14 January 2010*)

Medical Practitioners Board of Victoria — Report year ended 30 September 2009

Murray-Darling Basin Authority — Report 2008–09

Parliamentary Committees Act 2003:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Government response to the Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C95
 Bass Coast — C61
 Baw Baw — C61, C66
 Boroondara — C92, C94, C110
 Campaspe — C70, C72, C75
 Cardinia — C91, C135
 Casey — C128
 Central Goldfields — C21
 Corangamite — C19
 East Gippsland — C61, C79
 Frankston — C54
 Glenelg — C16
 Greater Bendigo — C108
 Greater Dandenong — C81, C108, C120
 Greater Geelong — C117, C129 Part 1, C152, C179, C210
 Greater Shepparton — C130, C132
 Hobsons Bay — C29 Part 2
 Hume — C115
 Indigo — C51
 Kingston — C100
 Knox — C85
 Latrobe — C17, C62, C64
 Mansfield — C16
 Maroondah — C60, C70
 Melton — C94
 Moira — C42
 Monash — C94
 Moonee Valley — C95
 Moorabool — C45, C52
 Moreland — C115, C125

Mornington Peninsula — C94, C131, C136, C138
 Murrindindi — C25
 Queenscliffe — C20, C21
 Southern Grampians — C10
 Stonnington — C107, C111
 Surf Coast — C38
 Victoria Planning Provisions — VC64, VC65
 Wellington — C54
 Whitehorse — C103, C124
 Whittlesea — C129
 Wyndham — C124, C126
 Yarra Ranges — C62, C88, C93, C94, C100

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Statutory Rules under the following Acts:

Assisted Reproductive Treatment Act 2008 — SR 177/2009
Associations Incorporation Act 1981 — SR 1
Bail Act 1977 — SR 155/2009
Charter of Human Rights and Responsibilities Act 2006 — SR 174/2009
Children, Youth and Families Act 2005 — SRs 159, 183, 186, 189/2009
Control of Weapons Act 1990 — SR 188/2009
County Court Act 1958 — SRs 182, 183, 184, 185/2009
Crimes Act 1958 — SRs 158, 161, 173/2009
Criminal Procedure Act 2009 — SRs 169, 181, 183, 189/2009
Crown Proceedings Act 1958 — SR 171/2009
Electricity Safety Act 1998 — SRs 164, 165, 175/2009
Evidence Act 1958 — SR 172/2009
Evidence Act 2008 — SR 162/2009
Forests Act 1958 — SR 166/2009
Gambling Regulation Act 2003 — SR 167/2009
Health Services Act 1988 — SR 176/2009
Infringements Act 2006 — SR 168/2009
Magistrates' Court Act 1989 — SRs 153, 157, 170, 181/2009
Major Crime (Investigative Powers) Act 2004 — SR 156/2009
Marine Act 1988 — SR 180/2009
Metropolitan Fire Brigades Act 1958 — SR 179/2009
Public Health and Wellbeing Act 2008 — SR 178/2009
Sentencing Act 1991 — SR 160/2009
Serious Sex Offenders (Detention and Supervision) Act 2009 — SR 187/2009
Supreme Court Act 1986 — SR 163/2009
Victorian Civil and Administrative Tribunal Act 1998 — SR 154/2009

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 169, 170, 171, 173, 179, 181, 182, 183, 184, 185, 186, 189/2009
 Ministers' exemption certificates in relation to Statutory Rules 150, 163, 167, 168, 172, 175, 176, 187, 188/2009
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 164, 180/2009

Water Act 1989 — Declaration of the Abolition of the Mid Loddon Water Supply Protection Area Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Cemeteries and Crematoria Amendment Act 2009 — Whole Act (except ss 6, 7, 24 and 25) — 1 January 2010 (*Gazette G51, 17 December 2009*); s 7 and s 25 — 1 February 2010 (*Gazette G4, 28 January 2010*)

Criminal Procedure Act 2009 — Remaining provisions (except s 437) — 1 January 2010 (*Gazette G50, 10 December 2009*)

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009 — Remaining provisions — 1 January 2010 (*Gazette G50, 10 December 2009*)

Electricity Safety Amendment Act 2007 — Part 2 — 13 December 2009 (*Gazette G50, 10 December 2009*)

Energy and Resources Legislation Amendment Act 2009 — Parts 1 to 6 (except ss 6, 7, 8 and 12) — 13 December 2009; ss 28, 30 and 31 and Part 9 — 1 January 2010 (*Gazette G50, 10 December 2009*); ss 23, 24 and 32 — 27 January 2010 (*Gazette S33, 27 January 2010*)

Fair Work (Commonwealth Powers) Amendment Act 2009 — Whole Act except Part 2 — 1 January 2010 (*Gazette G50, 10 December 2009*); Part 2 — 1 January 2010 (*Gazette G51, 17 December 2009*)

Justice Legislation Miscellaneous Amendments Act 2009 — Part 6, except ss 41 and 42 — 17 December 2009 (*Gazette G51, 17 December 2009*)

Land (Revocation of Reservations and Other Matters) Act 2009 — Part 1 and Part 3 and Schedule 1 — 17 December 2009 (*Gazette G51, 17 December 2009*)

Local Government Amendment (Offences and Other Matters) Act 2009 — Whole Act, except Part 2 — 8 December 2009; Part 2 — 1 February 2010 (*Gazette S455, 8 December 2009*)

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Part 1, ss 3, 4, 13, 14, 15, 16, 25, 34 and 35, and Parts 5, 6, 7, 8 and 10 — 1 January 2010 (*Gazette G51, 17 December 2009*)

Serious Sex Offenders (Detention and Supervision) Act 2009 — Whole Act — 1 January 2010 (*Gazette G52, 24 December 2009*)

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 6, 7, 8, 9(2), 19, 20(1), 20(2), 20(3), 20(4), 21, 22(1), 22(2), 22(3), 23(1), Parts 6, 7, 8, Division 1 of Part 9, s 40, and Parts 10, 11 and 12 — 17 December 2009; s 23(2) — 1 January 2010 (*Gazette G51, 17 December 2009*)

Victorian Renewable Energy Amendment Act 2009 — Whole Act — 10 December 2009 (*Gazette G50, 10 December 2009*).

16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Education and Training Reform Amendment (Overseas Students) Bill 2009

Liquor Control Reform Amendment (Party Buses) Bill 2009

Melbourne Cricket Ground and Yarra Park Amendment Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009

Summary Offences and Control of Weapons Acts Amendment Bill 2009.

17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 December 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Casino Legislation Amendment Bill 2009

Education and Training Reform Amendment (Overseas Students) Bill 2009

Fire Services Funding (Feasibility Study) Bill 2009

Justice Legislation Miscellaneous Amendments Bill 2009

Liquor Control Reform Amendment (Party Buses) Bill 2009

Melbourne Cricket Ground and Yarra Park Amendment Bill 2009

Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009

Summary Offences and Control of Weapons Acts Amendment Bill 2009

Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009
Valuation of Land Amendment Bill 2009.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Accident Compensation Amendment Bill 2009
Education and Training Reform Amendment Bill 2009
Livestock Management Bill 2009
Magistrates' Court Amendment (Mental Health List) Bill 2009
Public Finance and Accountability Bill 2009
Severe Substance Dependence Treatment Bill 2009
Transport Integration Bill 2009.

- 19 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Ms Wooldridge from the Family and Community Development Committee and Ms Green from the Outer Suburban/Interface Services and Development Committee, effective from 1 February 2010, and the resignation of Ms Munt from the Public Accounts and Estimates Committee effective from today.

- 20 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That:

- (1) Mrs Shardey be appointed a member of the Family and Community Development Committee;
- (2) Mr Langdon be appointed a member of the Outer Suburban/Interface Services and Development Committee; and
- (3) Ms Graley be appointed a member of the Public Accounts and Estimates Committee —

(Mr Batchelor) — put and agreed to.

- 21 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 31 March 2009 providing that the Outer Suburban/Interface Services and Development Committee be required to present its report, on the Inquiry into the Sustainable Development of Agribusiness in Outer Suburban Melbourne, to the Parliament no later than 31 March 2010 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2010 *(Mr Batchelor)* — put and agreed to.

- 22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 February 2010:

Accident Compensation Amendment Bill 2009
Magistrates' Court Amendment (Mental Health List) Bill 2009
Public Finance and Accountability Bill 2009
Transport Integration Bill 2009

(Mr Batchelor) — put, after debate, and agreed to.

- 23 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 24 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Merlino announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

26 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 153 — Wednesday 3 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Mr Robinson obtained leave to bring in a Bill 'for an Act to amend the *Liquor Control Reform Act 1998* in relation to the supply of liquor on ANZAC Day and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

King Valley General Practitioner Services — Requesting that the House acts immediately to ensure the continuation of a one day a week general practitioner service at Whitfield and Moyhu in the King Valley, bearing 538 signatures (*Dr Sykes*)

Cropping in Hindmarsh Shire — Requesting that the House prevents Hindmarsh Shire from planting native grasses and trees along the Minyip Road and allows farmers to continue their roadside cropping program, bearing 124 signatures (*Mr Delahunty*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 56 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — CROPPING IN HINDMARSH SHIRE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

6 **PETITION — KING VALLEY GENERAL PRACTITIONER SERVICES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — The Effectiveness of Student Wellbeing Programs and Services — Ordered to be printed

Gambling Regulation Act 2003 — Report of the Review Panel to the Minister in Relation to Registrations of Interest in the Grant of the Keno Licence under s 10.2A.11 — Ordered to be printed.

8 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Consumer Affairs Legislation Amendment Bill 2009
Legislation Reform (Repeals No. 5) Bill 2009.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*.

12 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website' —

(Mr Clark) — and, after debate —

Motion made and question — That the debate be now adjourned *(Mr Donnellan)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 2 February 2010 be amended by omitting the Order of the Day, Government Business, relating to the Public Finance and Accountability Bill 2009 *(Mr Pallas)* — put, after debate, and agreed to.

- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 17 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Lim)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **TRANSPORT INTEGRATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

No 154 — Thursday 4 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*).

Ordered to be tabled.

3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **DOCUMENTS**

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report, A Sustainable Future for Victoria: Getting Environmental Regulation Right, and Government response be tabled (*Ms Neville*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a Discussion Paper on the Inquiry into Victoria's *Audit Act 1994* from the Public Accounts and Estimates Committee.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crimes (Assumed Identities) Act 2004 — Report 2008–09 of the Chief Commissioner, Victoria Police under s 31

Police Integrity, Office of — Information Security and the Victoria Police State Surveillance Unit — Ordered to be printed

Surveillance Devices Act 1999 — Report 2008–09 of the Chief Commissioner, Victoria Police under s 30L

Terrorism (Community Protection) Act 2003 — Report 2008–09 of the Chief Commissioner, Victoria Police under s 21M.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 February 2010 (*Ms Neville*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses commenced.

Business having been interrupted at 2.00 pm under standing orders.

8 **QUESTIONS** — (Under SO 55).

9 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses continued.

Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

11 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see p 814*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 February 2010 and as amended on Wednesday 3 February 2010 had expired.

Question — That clause 1 be agreed to — put and agreed to.

Question — That clauses 2 to 194 inclusive and Government amendment Nos 1 to 22 inclusive be agreed to and the Bill be agreed to with amendments — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

12 **TRANSPORT INTEGRATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

13 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Amendment (Entitlements) Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

15 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 18 February 2010.

- 16 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 February 2010.

- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.12 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 152, 153 and 154

No 154 — Thursday 4 February 2010

ACCIDENT COMPENSATION AMENDMENT BILL 2009

Clause 1 — debate commenced.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 February 2010 and as amended on Wednesday 3 February 2010 had expired (for remaining stages see p 812).

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 155, 156 and 157

No 155 — Tuesday 23 February 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that she had received a return to the writ issued on 18 January 2010 which states that Jill Hennessy has been elected for the Electoral District of Altona.
- 3 **MEMBER SWORN** — Jill Hennessy was then introduced and took and subscribed the affirmation required by law.
- 4 **QUESTIONS** — (Under SO 55).
- 5 **RADIATION AMENDMENT BILL 2010** — Mr Andrews obtained leave to bring in a Bill *'for an Act to amend the **Radiation Act 2005** to allow the Secretary to impose further conditions on management licences relating to the management or control of the use of radiation sources, to clarify the scope of certain offences, to empower the Secretary to impose conditions on licence exemptions that require compliance with certain incorporated documents, to provide for the publication on the Internet of parts of the register relating to use licences and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Mr Andrews obtained leave to bring in a Bill *'for an Act to amend the **Health Professions Registration Act 2005**, the **Health Practitioner Regulation National Law (Victoria) Act 2009** and other Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Mr Robinson obtained leave to bring in a Bill *'for an Act to adopt the **National Consumer Credit Protection Act 2009 of the Commonwealth (as amended)** and the **National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the Commonwealth**, and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth and to make related provisions and transitional and consequential provisions'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 43 signatures (*Mr Crisp*)
 - Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 19 signatures (*Mr Northe*)
 - Camberwell to Alamein Train Service** — Requesting that the House directs that at least one three-carriage train continues to operate on the Camberwell to Alamein line on hot days, bearing 1087 signatures (*Mr Mulder*)

Fluoridation in Swan Hill — Requesting that the House offers the residents of Swan Hill a referendum on water fluoridation, bearing 2805 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

9 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 6) Bill 2009, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 2 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Consumer Affairs Legislation Bill 2009
Liquor Control Reform Amendment (ANZAC Day) Bill 2010
Offshore Petroleum and Greenhouse Gas Storage Bill 2010
Transport Integration Bill 2009

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Cross Keys Reserve
O'Donnell Gardens Reserve and Shakespeare Grove Reserve

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2009

Financial Management Act 1994 — Report from the Minister for Environment and Climate Change the he had received the Report 2008–09 of the Lake Mountain Alpine Resort Management Board

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2009

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2009

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2009

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C11
 Alpine Resorts — C20
 Ararat — C22
 Bass Coast — C108, C109, C110, C111
 Baw Baw — C44 Part 1
 Bayside — C84
 Casey — C94, C102, C104, C120
 Darebin — C64
 East Gippsland — C78, C83
 Frankston — C58, C59
 French Island and Sandstone Island — C3
 Glenelg — C49
 Greater Bendigo — C138
 Greater Dandenong — C119
 Greater Geelong — C212
 Greater Shepparton — C115, C125
 Horsham — C38
 Hume — C106
 Loddon — C18
 Manningham — C77
 Melton — C95
 Mornington Peninsula — C9, C114
 Mount Alexander — C34
 Moyne — C41, C43
 Northern Grampians — C11
 Port Phillip — C70
 South Gippsland — C26
 Stonnington — C80, C88, C97
 Surf Coast — C52, C58
 Wellington — C58, C63
 Whitehorse — C96, C99
 Whittlesea — C119, C122, C136
 Wodonga — C72
 Yarriambiack — C8

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 2
Magistrates' Court Act 1989 — SR 6
Mineral Resources (Sustainable Development) Act 1990 — SR 3
Public Transport Competition Act 1995 — SR 5
Road Safety Act 1986 — SR 7
Transport Act 1983 — SR 4

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 6
 Ministers' exemption certificates in relation to Statutory Rules 2, 4, 5, 7
 Minister's infringements offence consultation certificate in relation to Statutory Rule 3.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Cemeteries and Crematoria Amendment Act 2009 — Sections 6 and 24 — 1 March 2010 (*Gazette G 7, 18 February 2010*)

State Taxation Acts Further Amendment Act 2009 — Division 1 of Part 5 and Part 6 — 1 March 2010 (*Gazette G 7, 18 February 2010*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Royal Melbourne Institute of Technology Bill 2009
Swinburne University of Technology Bill 2009
University of Ballarat Bill 2009.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victoria University Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 14 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 9 February 2010
Consumer Affairs Legislation Amendment Bill 2009
Legislation Reform (Repeals No. 5) Bill 2009

On 16 February 2010
Royal Melbourne Institute of Technology Bill 2009
Swinburne University of Technology Bill 2009
University of Ballarat Bill 2009.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 16 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of sessional orders be suspended to allow the Member for Altona to speak for 15 minutes in response to the Annual Statement of Government Intentions 2010 (*Mr Batchelor*) — put and agreed to.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 February 2010:

Crimes Legislation Amendment Bill 2009
Education and Training Reform Amendment Bill 2009
Liquor Control Reform Amendment (ANZAC Day) Bill 2010
Offshore Petroleum and Greenhouse Gas Storage Bill 2010
Public Finance and Accountability Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

18 **STATEMENTS BY MEMBERS** — Statements by members were made.

19 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Merlino announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Hudson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

23 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.
- 25 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 156 — Wednesday 24 February 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 25 signatures (*Dr Sykes*)
- Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 96, 19 and 99 signatures (*Dr Sykes, Mr Delahunty and Mr Jasper respectively*)
- Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 42 and 37 signatures (*Dr Sykes and Mr Jasper respectively*)
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 58 signatures (*Mr Crisp*)
- Victorian Rock Eisteddfod Challenge** — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 665 signatures (*Mr Northe*)
- Intersection of Glenvue Road and Dundas Street, Rye** — Requesting that the House requests VicRoads to reduce the speed limit to 60 km per hour at the intersection of Glenvue Road and Dundas Street, Rye or provide necessary funding to carry out road works to realign Dundas Street, bearing 408 signatures (*Mr Dixon*).
- Petitions ordered to be tabled.
- 3 **PETITION — INTERSECTION OF GLENVUE ROAD AND DUNDAS STREET, RYE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

- 4 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 6 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Management of Concessions by the Department of Human Services — Ordered to be printed
Tendering and Contracting in Local Government — Ordered to be printed
- Statutory Rules under the following Acts:
- Road Safety Act 1986* — SR 9
Taxation Administration Act 1997 — SR 10
Transport Accident Act 1986 — SR 8.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Integration Bill 2009 without amendment.
- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LIQUOR LICENSING** — The House was informed that Mr O'Brien had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for:

- (1) Introducing an unfair and discriminatory liquor licensing regime that has hurt thousands of small businesses and community organisations across Victoria;
- (2) Maintaining that "the ... risk-based renewal fees are not considered a burden on businesses" despite the \$20 million licensing revenue increase imposing massive fee rises on many struggling enterprises;
- (3) Failing to provide small businesses and community organisations with an adequate opportunity to apply for reductions in their liquor licensing fees —

and calls on the Government to scrap its failed system in favour of a genuinely risk-based approach that does not penalise responsible licensees for the Brumby Government's failure to tackle anti-social behaviour.'

Mr O'Brien addressed the House — Discussion followed.

16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data.

17 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

Members named and suspended — The Member for Kororoit (*Ms Kairouz*) and the Member for Melton (*Mr Nardella*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Kororoit (*Ms Kairouz*) and the Member for Melton (*Mr Nardella*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put and agreed to.

Ms Kairouz and Mr Nardella accordingly withdrew from the Chamber.

19 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 21 **RADIATION AMENDMENT BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 22 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 23 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 24 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.
- Responses continued.
- Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 26 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.47 pm.

No 157 — Thursday 25 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 86 signatures (*Mr Crisp*)

Radiotherapy Service in South-West Victoria — Requesting that the House immediately provides radiotherapy facilities for the south-west, ideally in Warrnambool, bearing 1706 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

3 **PETITION — RADIOTHERAPY SERVICE IN SOUTH-WEST VICTORIA** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **DOCUMENTS**

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — Ms Campbell, Chair, presented an interim report from the Economic Development and Infrastructure Committee on the Inquiry into State Government Taxation and Debt, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2008–09

Supreme Court of Victoria — Report 2008–09

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Ombudsman's recommendations — Report on their implementation — Ordered to be printed

Police Integrity, Office of — Information Security and the Victoria Police State Surveillance Unit — Ordered to be printed (*in lieu of report previously tabled on Thursday 4 February 2010*).

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 March 2010 (*Ms Neville*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 23 February 2010 be amended by omitting the Order of the Day, Government Business, relating to the Public Finance and Accountability Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

10 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

12 **QUESTIONS** — (Under SO 55).

13 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

14 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;

- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 February 2010 and as amended on Thursday 25 February 2010 had expired.

- 15 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Debate continued on question — That this 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 the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and

- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'.

Motion made and question — That the debate be now adjourned (*Mr Burgess*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 20 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 158, 159 and 160

No 158 — Tuesday 9 March 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **EARTHQUAKE IN CHILE** — Motion made, by leave, and question — That we, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the individuals, families and communities affected by the recent earthquake in Chile and join with the people of Victoria in expressing our sympathy (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Sentencing Act 1991, the Children, Youth and Families Act 2005, the Corrections Act 1986, the County Court Act 1958, the Criminal Procedure Act 2009, the Magistrates' Court Act 1989, the Marine Act 1988, the Road Safety Act 1986, the Supreme Court Act 1986, the Gambling Regulation Act 2003 and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **EQUAL OPPORTUNITY BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to re-enact and extend the law relating to equal opportunity and protection against discrimination, sexual harassment and victimisation, to repeal the Equal Opportunity Act 1995, to make consequential amendments to other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Child Employment Act 2003, to apply provisions of the Working with Children Act 2005 to the supervision of children in employment, to make amendments to the Working with Children Act 2005, to make consequential amendments to the Transport Accident Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Mr Pallas obtained leave to bring in a Bill '*for an Act to amend the Transport Act 1983, the Bus Safety Act 2009, the Rail Safety Act 2006, the Marine Act 1988, the Rail Corporations Act 1996, the Road Safety Act 1986, the Working with Children Act 2005, the Public Transport Competition Act 1995, the Road Management Act 2004, the Transport Legislation Amendment Act 2007 and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the Public Health and Wellbeing Act 2008, the Disability Act 2006, the Children, Youth and Families Act 2005 and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)

Bus Access to Brandon Park Shopping Centre — Requesting that the House takes action to have bus routes 885, 888 and 889 amended so buses can have access to Brandon Park Shopping Centre in Wheelers Hill via Brandon Park Drive, bearing 191 signatures (*Mr Andrews*).

Petitions ordered to be tabled.

- 10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Yarra Bend Park

Emergency Services Superannuation Scheme — Actuarial investigation as at 30 June 2009

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to Statutory Rule 61/2000 (*Gazette G7, 18 February 2010*)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Cardinia — C137

Frankston — C57

Hume — C109

Macedon Ranges — C70

Maribyrnong — C56

Mildura — C61

Wellington — C57, C59

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 — SR 11

Racing Act 1958 — SR 12

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 11, 12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Consumer Affairs Legislation Amendment Act 2010 — Section 19, Part 8 and Part 9 — 1 March 2010 (*Gazette G8, 25 February 2010*)

Land (Revocation of Reservations and Other Matters) Act 2009 — Parts 2 (other than section 3), 5, 6 and 7 and Schedules 3, 4, 5, 8 and 9 — 25 February 2010 (*Gazette G8, 25 February 2010*)

Racing Legislation Amendment (Racing Integrity Assurance) Act 2009 — Parts 2, 3 and 4 — 1 March 2010 (*Gazette G8, 25 February 2010*).

- 12 **RESIGNATION OF MEMBER OF THE LEGISLATIVE COUNCIL** — The Speaker announced that she had received the following letter from the Governor:

Monday 1st March, 2010

Hon. Jenny Lindell, MP,
Speaker,
Legislative Assembly,
Parliament House,
MELBOURNE. Vic. 3002

Dear Speaker,

I write to advise that on Monday 1st March, 2010, I received a letter from Mr. Theo Theophanous, 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. Theophanous'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 sincerely,

David de Kretser
Governor.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL — COUNCIL VACANCY** — The Speaker announced the receipt of a message from the Legislative Council proposing that the Council 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 Theo Theophanous and that the place and time of such meeting be the Legislative Assembly Chamber today at 6.15 pm.

Ordered — That the message be taken into consideration immediately.

Motion made and question — That this House meets the Legislative Council 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 Theo Theophanous and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly Chamber on Tuesday 9 March 2010 at 6.15 pm (*Mr Batchelor*) — put, after debate, and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 2 March 2010, given the royal assent to the Transport Integration Bill 2009, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 March 2010:

Credit (Commonwealth Powers) Bill 2010
Livestock Management Bill 2009

Severe Substance Dependence Treatment Bill 2009
Statute Law Amendment (National Health Practitioner Regulation) Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of Theo Theophanous and that Nathan Murphy has been duly chosen to hold the vacant place.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Magistrates' Court Amendment (Mental Health List) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

21 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Walsh announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive, be postponed until later this day.

23 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Responses continued.

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Helper*) — put and agreed to.

25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 159 — Wednesday 10 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Housing for Mentally Ill — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 19 signatures (*Mr Smith, Bass*)

Medical Services on Phillip Island — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 767 signatures (*Mr Smith, Bass*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 26 signatures (*Mr Crisp*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 114 signatures (*Mr Walsh*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 415 signatures (*Mr Walsh*)

Alternatives to Goulburn Valley Pipeline — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 13 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

4 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 3 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Credit (Commonwealth Powers) Bill 2010
 Electricity Industry Amendment (Critical Infrastructure) Bill 2009
 Radiation Amendment Bill 2010
 Statute Law Amendment (National Health Practitioner Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Alpine Resorts Co-ordinating Council — Report 2008–09

Auditor-General — Irrigation Water Stores: Lake Mokoan and Tarago Reservoir — Ordered to be printed

Australian Crime Commission — Report 2008–09

Commissioner for Environmental Sustainability — Report 2008–09

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 2007–08

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C73
 Horsham — C43
 Moorabool — C18
 Moyne — C50
 Nillumbik — C58 Part 1
 Yarra Ranges — C98

Surveyor's Registration Board of Victoria — Report 2008–09.

10 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Viney, MLC, from the Environment and Natural Resources Committee, effective from Tuesday 9 March 2010.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN TRANSPORT PLAN** — The House was informed that Mr Pallas had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for delivering on initiatives in the \$38 billion Victorian Transport Plan to provide the State with the best transport network in Australia and condemns the Liberal-National Coalition for its stated policy to slash projects from the plan and calls on the Opposition to inform the people of Victoria exactly which transport projects they would slash.'

Mr Pallas addressed the House — Discussion followed.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Discussion Paper on the Inquiry into Victoria's *Audit Act 1994*

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria

Law Reform Committee's Report on the Review of the *Members of Parliament (Register of Interests) Act 1975*

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

14 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

15 **QUESTIONS** — (Under SO 55).

16 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

17 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive be postponed until later this day.

- 19 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 20 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 21 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 22 **EQUAL OPPORTUNITY BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 24 March 2010.

- 23 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

No 160 — Thursday 11 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Medical Services on Phillip Island — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 1387 signatures (*Mr Smith, Bass*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 84, 96 and 222 signatures (*Dr Sykes, Mr Jasper and Mrs Powell respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 25 signatures (*Mr Crisp*)

Victorian Rock Eisteddfod Challenge — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 16 signatures (*Mr Northe*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 47, 23 and 34 signatures (*Mr Northe, Mr Jasper and Mrs Powell respectively*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 37 signatures (*Mr Jasper*)

Jika Jika Community Centre — Requesting that the House reinstates funding to Jika Jika Community Centre to continue the Our Homes Our Health program, bearing 25 signatures (*Ms Richardson*)

New Street Railway Gates — Requesting that the Government, rail operators and the City of Bayside re-open the New Street railway gates, bearing 230 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 8 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 11 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS**

ELECTORAL MATTERS COMMITTEE — Mr Scott, Chair, presented a report from the Electoral Matters Committee on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Financial Management Act 1994 — 2009–10 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2009

Gambling Regulation Act 2003 — Order under s 2.5A.9

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the disclosure of information by a councillor of the City of Casey — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*

Statutory Rules under the following Acts:

Building Act 1993 — SR 15

Fisheries Act 1995 — SR 13

Road Safety Act 1986 — SR 16

Victorian Civil and Administrative Tribunal Act 1998 — SR 14.

14 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 March 2010 (*Ms Neville*) — put and agreed to.

15 **STATEMENTS BY MEMBERS** — Statements by members were made.

16 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

18 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses continued.

Motion made and question — That the debate be now adjourned (*Ms Barker*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.

20 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 841–2*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 March 2010 had expired.

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 52

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

Question — That clause 63 stand part of the Bill — put and agreed to.

Question — That the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 March 2010.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes Legislation Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 25 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

- 27 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 158, 159 and 160

No 160 — Thursday 11 March 2010

LIVESTOCK MANAGEMENT BILL 2009

Clauses 1 to 62 agreed to.

Clauses 63, Mr Walsh moved an amendment (*see Schedule*).

Allocation of time — the Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 March 2010 had expired (for remaining stages see pp 839–40).

SCHEDULE OF AMENDMENT MOVED

LIVESTOCK MANAGEMENT BILL 2009

Amendment moved by Mr Walsh

Clause 63, page 39, after line 22 insert—

"() The regulations are subject to disallowance by a House of the Parliament."

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 161, 162 and 163

No 161 — Tuesday 23 March 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JANET TINDALE CALDER WILSON** — The Speaker announced the death of Janet (Jan) Tindale Calder Wilson, Member of the Legislative Assembly for the Electoral District of Dandenong North from 1985 to 1999; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Mr Hulls obtained leave to bring in a Bill *'for an Act to provide for a Statement of Values and Code of Conduct for Members of the Parliament of Victoria, to establish a Register of Interests for those Members and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Mr Hulls obtained leave to bring in a Bill *'for an Act to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Infringements Act 2006, the Liquor Control Reform Act 1998, the Sentencing Act 1991, the Stalking Intervention Orders Act 2008, the Summary Offences Act 1966 and the Victims of Crime Assistance Act 1996 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill *'for an Act to amend the Trustee Companies Act 1984, to consequentially amend the Administration and Probate Act 1958, the Guardianship and Administration Act 1986 and the State Trustees (State Owned Company) Act 1994 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Ms Pike obtained leave to bring in a Bill *'for an Act to amend the Education and Training Reform Act 2006, to repeal the Mildura College Lands Act 1916 and to repeal the Institute of Educational Administration (Repeal) Act 1993 and other spent Acts and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — Mr Andrews obtained leave to bring in a Bill *'for an Act to repeal the Therapeutic Goods (Victoria) Act 1994, to provide for the application of the Therapeutic Goods Act 1989 of the Commonwealth as a law of Victoria, to provide for continued controls over therapeutic goods not covered by the Commonwealth Act and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Medical Services on Phillip Island — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 1138 signatures (*Mr Smith, Bass*)

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 41 signatures (*Dr Sykes*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 38, 37 and 167 signatures (*Dr Sykes, Mr Delahunty and Mr Walsh respectively*)

Regional Education — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 19 signatures (*Mr Delahunty*)

Victorian Rock Eisteddfod Challenge — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 9 signatures (*Mr Delahunty*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 34 and 268 signatures (*Mr Delahunty and Mr Walsh respectively*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 51 signatures (*Mr Crisp*)

Rock Eisteddfod — Gippsland — Requesting that the House calls upon the Government to increase funding to the Victorian Rock Eisteddfod Challenge, bearing 8 signatures (*Mr Northe*).

Petitions ordered to be tabled.

- 10 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 11 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 15 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 16 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

18 **PETITION — ROCK EISTEDDFOD — GIPPSLAND** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

19 **DOCUMENTS**

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report, Getting it Together: An Inquiry into the Sharing of Government and Community Facilities and the Government response be tabled (*Mr Holding*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2009 of the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 4 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

- Accident Compensation Amendment Bill 2009
- Child Employment Amendment Bill 2010
- Crimes Legislation Amendment Act 2010
- Crimes Legislation Amendment Bill 2009
- Equal Opportunity Bill 2010
- Health and Human Services Legislation Amendment Bill 2010
- Justice Legislation Amendment Bill 2010
- Justice Legislation Miscellaneous Amendments Bill 2009
- Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commissioner for Environmental Sustainability Act 2003 — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Torquay Foreshore Reserve

Essential Services Commission — Review of the Victorian Rail Access Regime (three documents)

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C137

Brimbank — C119, C123
 Casey — C112, C131
 Greater Bendigo — C126
 Hume — C113
 Manningham — C88
 Mildura — C65
 Moreland — C81
 Murrindindi — C27
 Strathbogie — C21, C47
 Wellington — C53 Part 2
 Wodonga — C58

State Services Authority — The State of the Public Sector in Victoria Report 2008–09

Statutory Rule under the *Infringements Act 2006* — SR 17

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 13, 14, 15, 16, 17.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Accident Compensation Amendment Bill 2009
 Liquor Control Reform Amendment (ANZAC Day) Bill 2010
 Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 16 March 2010
 Crimes Legislation Amendment Bill 2009
 Liquor Control Reform Amendment (ANZAC Day) Bill 2010

On 23 March 2010
 Accident Compensation Amendment Bill 2009
 Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Equal Opportunity Bill 2010
 Health and Human Services Legislation Amendment Bill 2010
 Justice Legislation Amendment Bill 2010.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 March 2010:

Equal Opportunity Bill 2010
 Justice Legislation Amendment Bill 2010
 Legislation Reform (Repeals No. 6) Bill 2009
 Magistrates' Court Amendment (Mental Health List) Bill 2009 — Amendments of the Legislative Council
 Radiation Amendment Bill 2010
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

Victoria University Bill 2009 — Amendments of the Legislative Council

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

24 **STATEMENTS BY MEMBERS** — Statements by members were made.

25 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, and question — That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Cameron*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

26 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 27 **VICTORIA UNIVERSITY BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 28 **RADIATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 29 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 162 — Wednesday 24 March 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Ms Morand obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 92, 91 and 235 signatures (*Mrs Victoria, Mr Jasper and Mrs Powell respectively*)

Hastings Police Station — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 55 signatures (*Mr Burgess*)

Growth Areas Infrastructure Contribution — Requesting that the House asks the Government to withdraw its proposal to impose a Growth Areas Infrastructure Contribution as part of the expanded Urban Growth Boundary, bearing 99 signatures (*Mr Burgess*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 31 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 5 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — GROWTH AREAS INFRASTRUCTURE CONTRIBUTION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 10 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Auditor-General — Management of Safety Risks at Level Crossings — Ordered to be printed.
- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Livestock Management Bill 2009 with an amendment.
- Ordered — That the amendment be taken into consideration later this day.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria
- Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply
- Scrutiny of Acts and Regulations Committee's Annual Review 2009
- Electoral Matters Committee's Report on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising
- Public Accounts and Estimates Committee's Discussion Paper on the Inquiry into Victoria's *Audit Act 1994*.
- 15 **NEW DAMS** — Motion made, and question — That this House calls on the Liberal Party and The Nationals to rule out building new dams on the Mitchell River and its tributaries or any other Gippsland river, and in the Otways, or building Big Buffalo or other dams impacting on the Ovens River (*Mr Holding*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

16 **QUESTIONS** — (Under SO 55).

17 **NEW DAMS** — Debate continued on question — That this House calls on the Liberal Party and The Nationals to rule out building new dams on the Mitchell River and its tributaries or any other Gippsland river, and in the Otways, or building Big Buffalo or other dams impacting on the Ovens River — put and agreed to.

18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

19 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Nardella*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 163 — Thursday 25 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Medical Services on Phillip Island — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 100 signatures (*Mr Smith, Bass*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 46 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

3 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Parliamentary Committees Act 2003 — Government response to the Environment and Natural Resources Committee's Inquiry into Melbourne's Future Water Supply

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2008–09.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 April 2010 (*Ms Neville*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

9 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 11 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **EQUAL OPPORTUNITY BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Credit (Commonwealth Powers) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 15 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 16 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010 without amendment.

- 18 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 March 2010 had expired.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 7 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Mr Batchelor; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 4 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **RADIATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 24 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 25 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 26 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 27 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 28 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

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- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.
- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 164, 165 and 166

No 164 — Tuesday 13 April 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the County Court Act 1958 in relation to certain pension entitlements, to amend the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008 in relation to the office of judicial registrar, to amend the Coroners Act 2008 in relation to acting coroners, to make consequential amendments to various Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the Prahran Mechanics' Institute Act 1899*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **BUILDING AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the Building Act 1993 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Fair Trading Act 1999 in relation to unfair contract terms and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Gambling Regulation Act 2003, the Gambling Regulation Further Amendment Act 2009, the Casino Control Act 1991, the Confiscation Act 1997 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Lentil as Anything** — Requesting that the House urgently reconsiders the proposed cessation of Lentil as Anything's tenure at the Abbotsford Convent, bearing 31 signatures (*Dr Sykes*)
 - Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 135 signatures (*Dr Sykes*)
 - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 224, 343, 23 and 31 signatures (*Dr Sykes, Mr Delahunty, Mr Crisp and Mr Northe respectively*)
 - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 42 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 12 **PETITION — LENTIL AS ANYTHING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 5 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Education and Training Reform Further Amendment Bill 2010
 Environment Protection Amendment (Landfill Levies) Bill 2010
 Equal Opportunity Bill 2010
 Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010
 Members of Parliament (Standards) Bill 2010
 Therapeutic Goods (Victoria) Bill 2010
 Trustee Companies Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Charter of Human Rights and Responsibilities Act 2006 — Report 2009 on the operation of the Act — Ordered to be printed

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Albert Park Reserve

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 180/2009 (*Gazette G7, 18 February 2010*)

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns March 2010 and Summary of Variations notified between 16 September 2009 and 12 April 2010 — Ordered to be printed

National Environment Protection Council — Report 2008–09

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C24
 Boroondara — C97
 Brimbank — C132
 Colac Otway — C60
 Darebin — C79
 Glen Eira — C67
 Glenelg — C48
 Greater Bendigo — C101
 Greater Geelong — C185
 Hobsons Bay — C75
 Hume — C117
 Latrobe — C21
 Melbourne — C133, C151
 Melton — C96
 Moreland — C97
 Mornington Peninsula — C139
 Moyne — C5
 Pyrenees — C23, C28
 Stonnington — C123
 Surf Coast — C46
 Warrnambool — C17, C61 Part 1
 Whitehorse — C125
 Whittlesea — C134
 Wodonga — C68
 Yarra Ranges — C87, C96

Professional Standards Act 2003 — Under s 14:

Australian Computer Society Limited Liability (NSW) Scheme (*Gazette G10, 11 March 2010*)
 Law Institute of Victoria Limited Scheme (*Gazette G10, 11 March 2010*)
 Professional Surveyors' Occupational Association Scheme (*Gazette G10, 11 March 2010*)
 Victorian Bar Professional Standards Scheme and Instrument Amending the Victorian Bar Professional Standards Scheme (*Gazette G10, 11 March 2010*)

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Credit (Commonwealth Powers) Act 2010 — Part 1, Part 2 and ss 11, 19, 29, 33, 39 and 48 — 1 April 2010 (*Gazette S114, 31 March 2010*)
Liquor Control Reform Amendment (ANZAC Day) Act 2010 — Whole Act — 25 March 2010 (*Gazette G12, 25 March 2010*)
Liquor Control Reform Amendment (Party Buses) Act 2009 — Remaining provisions except s 9 — 1 April 2010 (*Gazette G13, 1 April 2010*)
Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Section 11 — 31 March 2010; remaining provisions of Part 9 — 30 April 2010 (*Gazette S110, 30 March 2010*).

16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 March 2010, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Credit (Commonwealth Powers) Bill 2010
 Magistrates' Court Amendment (Assessment and Referral Court List) Bill 2009
 Statute Law Amendment (National Health Practitioner Regulation) Bill 2010
 Victoria University Bill 2009.

17 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010.

18 **BUDGET SPEECH 2010–2011** — Motion made, by leave, and question — That —

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday 4 May 2010, following the introduction and motion for the second reading of the Annual Appropriation Bill:
- (a) the Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;
- (b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2010–2011;
- (2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, Treasurer, to attend the Legislative Assembly on Tuesday 4 May 2010 for the purpose of giving a speech in relation to the Victorian State Budget 2010–2011 —

(*Mr Batchelor*) — put and agreed to.

19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 April 2010:

Education and Training Reform Further Amendment Bill 2010
 Environment Protection Amendment (Landfill Levies) Bill 2010
 Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010
 Livestock Management Bill 2009 — Amendment of the Legislative Council
 Members of Parliament (Standards) Bill 2010
 Therapeutic Goods (Victoria) Bill 2010
 Trustee Companies Legislation Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

20 **STATEMENTS BY MEMBERS** — Statements by members were made.

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

22 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

23 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 24 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 165 — Wednesday 14 April 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 72, 129 and 459 signatures (*Mrs Victoria, Mrs Fyffe and Mrs Powell respectively*)

Traffic Lights in Bulleen — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 24 signatures (*Mr Kotsiras*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 53 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

7 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Fees and Charges — cost recovery by local government — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Law Reform Committee's Report on the Review of the *Members of Parliament (Register of Interests) Act 1978*

Government response to the Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part Two.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIA POLICE RESOURCES** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Opposition for its commitment to recruit and train 1600 additional front line operational police within its first term on assuming government in November 2010 and condemns the Brumby Government for its failure to adequately resource Victoria Police thereby leaving Victorians dangerously exposed to the impact of escalating violent crime which in the last 10 years has seen crimes against the person (CAP) increase by 40 per cent and assaults increase by 70 per cent.'

Mr Ryan addressed the House — Discussion followed.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's 2009–10 Budget Estimates Part One and Part Two

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria

Electoral Matters Committee's Report on the Conduct of the 2006 Victorian State Election.

12 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Dixon announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).
- 14 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Debate continued on question — That this Bill be now read a second time.
- Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 866–7*).
- Bill sent to the Legislative Council and their agreement requested.
- 15 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 166 — Thursday 15 April 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 89 signatures (*Mr Crisp*)
- Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 177 signatures (*Mr Weller*).
- Petitions ordered to be tabled.
- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 4 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Ombudsman — Report of an Investigation into Local Government Victoria's response to the Inspectors of Municipal Administration's report on the City of Ballarat — Ordered to be printed.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 4 May 2010 (*Ms Neville*) — put and agreed to.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 7 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 8 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).
- Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 9 **BUILDING AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).
- Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 10 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 11 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 12 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 13 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 April 2010 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 19 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 164, 165 and 166

No 165 — Wednesday 14 April 2010

EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010

Clauses 1 to 16 agreed to.

Clause 17, Mr Dixon moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 18 to 27 agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010

Amendments moved by Mr Dixon

1. Clause 17, page 10, line 20, omit "and Wilga Road".
2. Clause 17, page 10, lines 25 to 27, omit "and the imaginary extension of Wilga Road in a direct line east to the Murray River" and insert ", Wilga Road until it intersects with the Calder Highway, the Calder Highway from Wilga Road until it intersects with Castle Crossings Road, Castle Crossings Road from the Calder Highway until it intersects with Kulkynne Way and the imaginary extension of Castle Crossings Road from that intersection in a direct line east to the Murray River".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 167, 168 and 169

No 167 — Tuesday 4 May 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in 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** and the **Taxation Administration Act 1997** and to repeal the **Business Franchise (Tobacco) Act 1974**, the **Debits Tax Act 1990** and the **Financial Institutions Duty Act 1982** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Crown Land (Reserves) Act 1978** and the **National Parks Act 1975**, to revoke certain permanent reservations, to make minor amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Mr Pallas obtained leave to bring in a Bill '*for an Act to continue the establishment of an integrated and sustainable transport system in Victoria by amending the **Transport Integration Act 2010** and the **Port Services Act 1995** to provide for the Port of Melbourne Corporation and the Victorian Regional Channels Authority to continue under the **Transport Integration Act 2010** and for the abolition of the Port of Hastings Corporation and for the Port of Melbourne Corporation to be the successor in law of the Port of Hastings Corporation and to make other amendments to the **Transport Integration Act 2010** and to amend certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the **Domestic Animals Act 1994** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PHARMACY REGULATION BILL 2010** — Mr Andrews obtained leave to bring in a Bill '*for an Act to regulate the ownership and operation of pharmacy businesses, pharmacy departments and pharmacy depots, to establish the Victorian Pharmacy Authority, and to make consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 9 signatures (*Mr Smith, Bass*)
 - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated

that consumers will not have to pay higher bills, bearing 85, 16 and 344 signatures (*Mr Delahunty, Mr Crisp and Mr Walsh respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 11 signatures (*Mr Crisp*)

Little Lake Boort — Requesting that the Government finds sources of water for the Boort and district community, bearing 620 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

9 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

10 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

11 **PETITION — LITTLE LAKE BOORT** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

13 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

15 DOCUMENTS

PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1 — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2010–11, Budget Information Paper No 1 be tabled (*Mr Holding*) — put and agreed to.

PUTTING PATIENTS FIRST — BUDGET INFORMATION PAPER NO 2 — Motion made, by leave, and question — That Putting Patients First, Budget Information Paper No 2 be tabled (*Mr Holding*) — put and agreed to.

PARTNERSHIPS VICTORIA PROJECT SUMMARY: THE PENINSULA LINK PROJECT — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: The Peninsula Link Project be tabled (*Mr Pallas*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 6 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Building Amendment Bill 2010

Courts Legislation Miscellaneous Amendments Bill 2010

Fair Trading Amendment (Unfair Contract Terms) Bill 2010

Gambling Regulation Amendment (Licensing) Bill 2010
 Prahran Mechanics' Institute Amendment Bill 2010
 Public Finance and Accountability Bill 2009
 Severe Substance Dependence Treatment Bill 2009
 Therapeutic Goods (Victoria) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Constitution Act 1975 — Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

- 16 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, by leave, and question — That the Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be taken into consideration later this day (*Mr Batchelor*) — put and agreed to.

- 17 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report 2009 (two documents)

Centre for Adult Education — Report 2009

Crown Land (Reserves) Act 1978 — Order under s 17B granting licences over Seville Cricket and Recreation Reserve

EastLink Project Act 2004:

Order varying the project area
 Order varying the extended project area

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2010–11
 Budget Paper No 3 — Service Delivery 2010–11
 Budget Paper No 4 — Statement of Finances 2010–11 incorporating Quarterly Financial Report No 3

Fisheries Act 1995 — Review of the operation of s 151

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Greater Geelong — C150
 Hepburn — C50
 Hume — C139
 Indigo — C36, C49
 Knox — C88
 Maribyrnong — C88
 Melbourne — C155, C159

Murrindindi — C26
 Northern Grampians — C34
 Port Phillip — C83, C101
 South Gippsland — C49, C51
 Stonnington — C119
 Warrnambool — C48
 Whitehorse — C119, C120
 Whittlesea — C121
 Yarra Ranges — C92

Statutory Rules under the following Acts:

Occupational Health and Safety Act 2004 — SR 18
Subordinate Legislation Act 1994 — SRs 19, 20

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 19, 20
 Minister's exemption certificate in relation to Statutory Rule 18.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 — Whole Act, other than s 8 — 21 April 2010 (*Gazette S135, 20 April 2010*).

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity Bill 2010 without amendment.
- 19 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 20 April 2010, given the royal assent to the Livestock Management Bill 2009, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.
- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 27 April 2010, given the royal assent to the Equal Opportunity Bill 2010, presented to him by the Clerk of the Parliaments.
- 21 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Building Amendment Bill 2010
 Courts Legislation Miscellaneous Amendments Bill 2010.
- 22 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2010/2011) Bill 2010, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2010/2011.
- Estimates ordered to be tabled.
- 23 **APPROPRIATION (2010/2011) BILL 2010** — Mr Brumby obtained leave to bring in 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 2010/2011 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

In accordance with the resolution of the House on 13 April 2010 the Treasurer, Mr Lenders, was admitted into the Chamber by the Serjeant-at-Arms.

Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Lenders delivered a speech in relation to the Bill.

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2010.

Mr Lenders was escorted from the Chamber by the Serjeant-at-Arms.

- 24 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2010/2011) Bill 2010, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2010/2011.

Estimates ordered to be tabled.

- 25 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Mr Brumby obtained leave to bring in 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 2010/2011 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2010.

- 26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 May 2010:

Child Employment Amendment Bill 2010
 Courts Legislation Miscellaneous Amendments Bill 2010
 Fair Trading Amendment (Unfair Contract Terms) Bill 2010
 Health and Human Services Legislation Amendment Bill 2010
 Prahran Mechanics' Institute Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 27 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 28 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 29 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Morris*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **DISPUTE RESOLUTION REACHED ON 22 APRIL 2010 BY THE DISPUTE RESOLUTION COMMITTEE** — Order read for the consideration of the Dispute Resolution.

Motion made and question — That the House takes note of the Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, by leave, and question — That:

- (1) The order of the House for the third reading of the Disputed Bill, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, be read and rescinded.
- (2) So much of standing orders be suspended so as to allow the Disputed Bill to be reinstated in the House, and restored to the notice paper at the consideration in detail stage, to enable the consideration of the amendments specified in Schedule 2 of the Dispute Resolution reached by the Dispute Resolution Committee on 22 April 2010 —

(*Mr Batchelor*) — put and agreed to.

- 32 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending a further appropriation for the purposes of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

- 33 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for the consideration of the Bill in detail.

Bill considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 884–98*).

Bill sent to the Legislative Council informing them accordingly.

- 34 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 35 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

No 168 — Wednesday 5 May 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Housing for Mentally Ill — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 9 signatures (*Mr Smith, Bass*)

Regional Education — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 8 signatures (*Dr Sykes*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 36 and 35 signatures (*Dr Sykes and Mr Weller respectively*)

Traffic Lights in Bulleen — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 51 signatures (*Mr Kotsiras*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 60, 18 and 31 signatures (*Ms Wooldridge, Mr Crisp and Mr Weller respectively*)

Lilydale School Grounds — Requesting that the House supports the acquisition of the former Lilydale Police Station by the Lilydale Primary School, bearing 172 signatures (*Mrs Fyffe*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 80 signatures (*Mr Crisp*)

Cobram Blood Bank Service — Requesting that the Government takes positive action to reinstate the mobile blood bank service in Cobram as a matter of urgency, bearing 1499 signatures (*Mr Jasper*)

Coliban Water Price Increases — Requesting that the House reviews the proposed increases to household water prices by Coliban Water so the cost of water does not impose financial hardship, bearing 235 signatures (*Mr Weller*).

Petitions ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

5 **PETITION — COBRAM BLOOD BANK SERVICE** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — LILYDALE SCHOOL GROUNDS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 8 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 10 **PETITION — COLIBAN WATER PRICE INCREASES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **DOCUMENTS**

AUSTRALIAN CATHOLIC UNIVERSITY LTD — Motion made, by leave, and question — That the Report 2009 of the Australian Catholic University Ltd be tabled (*Mr Wynne*) — put and agreed to.

MELBOURNE COLLEGE OF DIVINITY — Motion made, by leave, and question — That the Report 2009 of the Melbourne College of Divinity be tabled (*Mr Wynne*) — put and agreed to.

EDUCATION AND TRAINING COMMITTEE — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Skills Shortages in the Rail Industry, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Noonan presented a report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports 2008, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Annual Plan 2010–11

Performance Reporting by Departments — Ordered to be printed

Ballarat University — Report 2009 (two documents)

Bendigo Regional Institute of TAFE — Report 2009 (two documents)

Box Hill Institute of TAFE — Report 2009

Central Gippsland Institute of TAFE — Report 2009

Chisholm Institute of TAFE — Report 2009

Deakin University — Report 2009

Driver Education Centre of Australia Ltd — Report 2009

East Gippsland Institute of TAFE — Report 2009

Gordon Institute of TAFE — Report 2009

Goulburn Ovens Institute of TAFE — Report 2009 (two documents)

Holmesglen Institute of TAFE — Report 2009

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 21 (*Gazette S 161, 3 May 2010*)

Kangan Batman Institute of TAFE — Report 2009

La Trobe University — Report 2009

Melbourne University — Report 2009

Monash University — Report 2009

Northern Melbourne Institute of TAFE — Report 2009

RMIT University — Report 2009

South West Institute of TAFE — Report 2009

Statutory Rule under the *Electricity Safety Act 1998* — SR 21

Subordinate Legislation Act 1994 — Minister's infringements offence consultation certificate in relation to Statutory Rule 21

Sunraysia Institute of TAFE — Report 2009

Swinburne University of Technology — Report 2009

Victoria University — Report 2009 (two documents)

William Angliss Institute of TAFE — Report 2009

Wodonga Institute of TAFE — Report 2009.

16 **STATEMENTS BY MEMBERS** — Statements by members were made.

17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — INVESTMENT TO CREATE AND SECURE JOBS** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its continued investment to create and secure jobs for Victorian families.'

Ms Allan addressed the House — Discussion followed.

18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into Skills Shortages in the Rail Industry

Electoral Matters Committee's Report on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Education and Training Committee's Report on the Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

19 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Wynne*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

20 **QUESTIONS** — (Under SO 55).

21 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

22 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 23 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 169 — Thursday 6 May 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 59 signatures (*Mr Crisp*)

Road through the Black Spur — Requesting that the House takes necessary action to ensure the road through the Black Spur is improved, bearing 1496 signatures (*Mr Hardman*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 4 **DOCUMENTS**

INQUIRY INTO THE CIRCUMSTANCES THAT LED TO THE CONVICTION OF MR FARAH ABDULKADIR JAMA — Motion made, by leave, and question — That the Report of the Inquiry into the circumstances that led to the conviction of Mr Farah Abdulkadir Jama be tabled (*Mr Batchelor*) — put and agreed to.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2008–09 Financial and Performance Outcomes, together with appendices.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct

the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Melbourne City Link Act 1995 — Clause 2.4(d) Notice Varying the Agreement for the Melbourne City Link

National Parks Act 1975 — Advice under s 11.

5 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 17 of the *Audit Act 1994*:

- (1) Mr Peter Sexton of WHK Howarth Melbourne be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ended 30 June 2010, 30 June 2011 and 30 June 2012;
- (2) The level of remuneration for the financial audit be:
 - (a) \$29,750 plus GST for audit services for the year ended 30 June 2010;
 - (b) \$30,600 plus GST for audit services for the year ended 30 June 2011; and
 - (c) \$32,200 plus GST for audit services for the year ended 30 June 2012; and
- (3) 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 s 17 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 Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No 299, Session 2006–10) —

(*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council requesting their agreement.

6 **PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 19 of the *Audit Act 1994*:

- (1) Mr Tom Fazio of PKF, Chartered Accountants 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 \$200,420 plus GST, plus \$1,000 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 s 19 of the Audit Act 1994*, as appended to the relevant Tender Brief in Appendix Two of the Report of the Public Accounts and Estimates Committee on the Appointment of Persons to Conduct the Financial Audit of the Victorian Auditor-General's Office and the Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office (Parliamentary Paper No 299, Session 2006–10) —

(*Mr Batchelor*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council requesting their agreement.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 25 May 2010 (*Mr Batchelor*) — put and agreed to.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 10 **QUESTIONS** — (Under SO 55).

- 11 **APPROPRIATION (2010/2011) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow

- 12 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 13 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **STATE TAXATION ACTS AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 May 2010.

- 16 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 17 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the appointment of Mr Peter Sexton of WHK Howarth Melbourne to conduct the financial audit of the Victorian Auditor-General's Office and the appointment of Mr Tom Fazio of PKF, Chartered Accountants to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office.
- 19 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 20 **PHARMACY REGULATION BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Andrews*) — put and agreed to.

22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 167, 168 and 169

No 167 — Tuesday 4 May 2010

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009

Clause 1 agreed to.

Clause 2, Mr Wynne moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 3 to 8 agreed to.

Clause 9, Mr Wynne moved amendment Nos 2 to 107 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 10 and 11 agreed to.

Clause 12, Mr Wynne moved amendment No 108 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 13, Mr Wynne moved amendment Nos 109 to 124 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 14 to 16 agreed to.

Clause 17, Mr Wynne moved amendment Nos 125 and 126 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 18 to 23 agreed to.

Clause 24, Mr Wynne moved amendment Nos 127 to 129 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 25, Mr Wynne moved amendment Nos 130 and 131 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 26, Mr Wynne moved amendment No 132 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 27 to 29 agreed to.

Clause 30, Mr Wynne moved amendment No 133 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 31 and 32 agreed to.

Clause 33, Mr Wynne moved amendment No 134 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009

Amendments recommended by the Dispute Resolution Committee

1. Clause 2, line 12, omit "1 October 2010" and insert "1 May 2011".
2. Clause 9, page 5, after line 24 insert—

"consumer price index means the Consumer Price Index (All Groups Index) for Melbourne issued by the Australian Statistician;"
3. Clause 9, page 7, after line 20 insert—

"precinct structure plan in relation to land means a precinct structure plan which has been incorporated by the planning scheme applying to that land;

precinct structure plan area means an area or areas of land to which a precinct structure plan applies;"
4. Clause 9, page 14, line 17, before "2010" insert "October".
5. Clause 9, page 16, line 20, omit "2009/2010" and insert "2010/2011".
6. Clause 9, page 16, line 32, omit "20010/2011" and insert "2011/2012".
7. Clause 9, page 18, line 11, omit "A" and insert "Subject to section 201SLA, a".
8. Clause 9, page 19, line 18, omit "2-03" and insert "10".
9. Clause 9, page 19, line 24, omit "2-03" and insert "10".
10. Clause 9, page 19, lines 25 to 26, omit "time of the occurrence of the transaction" and insert "commencement day".
11. Clause 9, page 19, after line 27 insert—

"(b) any land or part of any land that is the subject of a dutiable transaction relating to that land, if the land or part—

 - (i) has a total lot area of between 0.41 hectares and 5 hectares; or
 - (ii) is part of a lot (the other part of the lot not being in the contribution area) and that part of the lot has a total lot area of between 0.41 hectares and 5 hectares; or".
12. Clause 9, page 19, line 28, omit "(b)" and insert "(c)".
13. Clause 9, page 20, lines 7 to 11, omit all words and expressions on these lines and insert—

"(d) any land or part of any land that is the subject of a GAIC event, if—

 - (i) the land or part on the relevant day and at the time of the occurrence of the event had a total lot area of 0.41 hectares or less; or
 - (ii) the land or part was the subject of a statement of compliance issued before the relevant day, which related to a plan of subdivision under which the land or part was to be subdivided into lots each having an area of 0.41 hectares or less and the registration of the subdivision had taken effect before the time of occurrence of the event."
14. Clause 9, page 25, line 18, after "contribution" insert "under this Act".
15. Clause 9, page 25, after line 21 insert—

"Note

Other persons may be liable to pay a growth areas infrastructure contribution under Subdivision 3 or 4."

16. Clause 9, page 25, after line 30 insert—
- "(2) In calculating the amount of growth areas infrastructure contribution under subsection (1) the area of land in hectares will be rounded off to the fifth decimal point.
- Example**
- If the area of the land is 93.675897 hectares, the growth areas infrastructure contribution will be calculated on 93.67590 hectares."
17. Clause 9, page 25, line 31, omit "(2)" and insert "(3)".
18. Clause 9, page 25, line 33, omit "2009/2010" and insert "2010/2011".
19. Clause 9, page 26, line 6, omit "June" and insert "October".
20. Clause 9, page 26, line 20, omit "June" and insert "October".
21. Clause 9, page 26, line 37, omit "(3)" and insert "(4)".
22. Clause 9, page 26, line 39, omit "2010/2011" and insert "2011/2012".
23. Clause 9, page 27, line 10, omit "(4)" and insert "(5)".
24. Clause 9, page 27, line 12, omit "2010/2011" and insert "2011/2012".
25. Clause 9, page 27, line 18, omit "(5)" and insert "(6)".
26. Clause 9, page 27, line 30, omit "(6)" and insert "(7)".
27. Clause 9, page 29, line 14, omit "2009/2010" and insert "2010/2011".
28. Clause 9, page 32, line 2, before "201SP" insert "201SMAA,".
29. Clause 9, page 32, after line 29 insert—
- "(3) In subsections (1) and (2), a reference to a growth areas infrastructure contribution does not include any part of a growth areas infrastructure contribution that is deferred under section 201SM."
30. Clause 9, page 32, line 30, omit "(3)" and insert "(4)".
31. Clause 9, page 32, after line 34 insert—
- "201SLA Refund of GAIC if land no longer in contribution area**
- (1) Subject to subsection (2), if land in respect of which a growth areas infrastructure contribution has been paid ceases to be in the contribution area within 3 years after the liability to pay the contribution arose, the person who paid the contribution is entitled to a refund by the Commissioner under Part 4 of the **Taxation Administration Act 1997** of that contribution including any indexation of that contribution.
- (2) If the person who paid the growth areas infrastructure contribution under subsection (1) was a purchaser of land under a contract for the sale of land of a class referred to in section 50(1) of the **Sale of Land Act 1962** and that purchaser deducted the amount of the contribution from the purchase price under section 50(2) of that Act, the taxpayer is taken to be the vendor of that land under that contract for the sale of land for the purposes of Part 4 of the **Taxation Administration Act 1997**.
- (3) If land referred to in subsection (1) subsequently becomes land that is in the contribution area, section 201S(1) applies as if the next GAIC event, which occurs in relation to that land after it becomes land that is in the contribution area, is the first GAIC event that occurs in relation to that land.
- (4) Nothing in this section entitles a person who has been given approval under Subdivision 4 for the staged payment of a growth areas infrastructure contribution to a refund of that contribution."
32. Clause 9, page 33, lines 4 to 8, omit all words and expressions on these lines and insert—

- "(1) Subject to subsection (2), a person who is liable to pay a growth areas infrastructure contribution imposed in respect of a dutiable transaction relating to land may elect to defer the payment of—
- (a) up to 100% of that contribution if the land is type A land and the transaction occurred before the commencement day; or
 - (b) up to 70% of that contribution in any other case.
- (2) A person who is liable to pay a growth areas infrastructure contribution under section 201SMAA may elect to defer the payment of that contribution."

33. Clause 9, page 33, line 9, omit "(2)" and insert "(3)".

34. Clause 9, page 33, after line 14 insert—

- "(4) An election to defer the payment of the whole or part of a growth areas infrastructure contribution under subsection (1) takes effect from the time that the liability to pay the contribution arises.
- (5) An election to defer the payment of a growth area infrastructure contribution under subsection (2) takes effect from the time the liability to pay the contribution arises in accordance with section 201SMAA(7).
- (6) A person who has deferred the payment of part of a growth areas infrastructure contribution under this section must pay the part of the contribution that has not been deferred in accordance with section 201SL.
- (7) If a part of a growth areas infrastructure contribution that has not been deferred under this section is not paid in accordance with section 201SL, the whole of the contribution becomes immediately payable as if the election of the deferral had never been made.

Note

If the non-deferred part of a growth areas infrastructure contribution is not paid within the period for payment under section 201SL, a tax default within the meaning of the **Taxation Administration Act 1997** will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL."

35. Clause 9, page 33, lines 15 to 34, page 34, lines 1 to 16, omit all words and expressions on these lines and insert—

"201SMAA Liability to pay deferred GAIC in relation to subsequent dutiable transactions

- (1) This section applies if—
- (a) a person (the *relevant person*) who is liable to pay a growth areas infrastructure contribution in relation to land has deferred the payment of the whole or part of that contribution under section 201SM(1); and
 - (b) a subsequent dutiable transaction relating to land occurs in relation to the land in respect of which the contribution is imposed.
- (2) Subject to this section, on the occurrence of that subsequent dutiable transaction—
- (a) except in the case of a significant acquisition, the person who would be taken to be the transferee in respect of the subsequent dutiable transaction under Part 1 of Chapter 2 of the **Duties Act 2000** becomes liable to pay the amount of deferred growth areas infrastructure contribution; or
 - (b) in the case of a subsequent dutiable transaction that is a sub-sale of dutiable property referred to in section 10(1)(a) of the **Duties Act 2000**, the subsequent purchaser to whom the property is transferred becomes liable to pay the amount of deferred growth areas infrastructure contribution; or

- (c) in the case of a subsequent dutiable transaction that is a significant acquisition, the following persons are jointly and severally liable to pay the amount of deferred growth areas infrastructure contribution—
 - (i) the person who makes the acquisition; and
 - (ii) the land rich landholder, or if the landholder is a unit trust scheme (within the meaning of the **Duties Act 2000**), the trustee of the landholder; and
 - (iii) if the significant acquisition results from an aggregation of acquisitions by the person referred to in subparagraph (i) and other persons—each of those other persons.
- (3) Subject to subsection (4), the liability of the relevant person to pay the deferred growth areas infrastructure contribution is extinguished;
- (4) If the subsequent dutiable transaction occurred in relation to less than the whole of the interest in the land or in a land rich landowner that owns the land—
 - (a) the liability of the subsequent transferee to pay the growth areas infrastructure contribution will be in proportion to the proportion of the interest in the land or land rich landowner that was the subject of the subsequent dutiable transaction; and
 - (b) the relevant person remains liable to pay the remaining part of that deferred growth areas infrastructure contribution.

Example

ABC Pty Ltd bought type B land in 2011. The GAIC liability for the land was \$600,000. ABC Pty Ltd paid 30% GAIC liability (\$180,000) and deferred 70% of the liability. In 2012, ABC Pty Ltd sold 50% of its interest in the land to XYZ Pty Ltd.

XYZ Pty Ltd is liable to pay 50% of the deferred 70% GAIC plus interest and can elect to defer that amount of assumed liability. ABC Pty Ltd's deferral continues in respect of the remaining 50% of the deferred 70% GAIC plus interest. There is a charge on the land for the whole deferred GAIC plus interest when it comes due.

The relevant person is relieved of the liability to pay their deferred GAIC liability upon occurrence of the subsequent dutiable transaction relating to the land. The relief from liability can be partial or in full, depending on the extent of the disposed interest in the land or landholder by the relevant person.

- (5) The liability under this section to pay a growth areas infrastructure contribution arises from the time the subsequent dutiable transaction relating to the land occurs.
- (6) Subject to sections 201SP and 201SS, a growth areas infrastructure contribution for which a subsequent transferee is liable under this section must be paid to the Commissioner within 3 months after the liability arises.
- (7) This section also applies to succeeding subsequent dutiable transactions relating to the land.
- (8) In this section a dutiable transaction relating to land occurs—
 - (a) in the case of a dutiable transaction relating to land other than a significant acquisition, at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**; and
 - (b) in the case of a significant acquisition—
 - (i) if the acquisition occurs on a particular day, on that day; or
 - (ii) if the acquisition occurs over a period of time, on the last day of that period.
- (9) In this section *subsequent transferee* means a person referred to in subsection (2).

- (1) A growth areas infrastructure contribution that is deferred in whole or in part under section 201SM—
 - (a) is to be indexed in accordance with section 201SN for the period specified in this section (if any) from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1); and
 - (b) is subject to the payment of interest calculated at the rate set out in section 201SO for the period specified in this section (if any).
- (2) In the case of type A land, if the dutiable transaction relating to that land occurs before the commencement day, the deferred contribution is to be indexed until the earlier of the following—
 - (a) the contribution is paid in accordance with section 201SP;
 - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (3) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and before the land becomes part of a precinct structure plan area—
 - (a) the deferred contribution is to be indexed until the earlier of the following—
 - (i) the land becomes part of that area;
 - (ii) the contribution is paid in accordance with section 201SP; and
 - (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following—
 - (i) the contribution is paid in accordance with section 201SP;
 - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (4) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following—
 - (a) the contribution is paid in accordance with section 201SP;
 - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (5) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs before the land becomes part of a precinct structure plan area—
 - (a) the deferred contribution is to be indexed until the earlier of the following—
 - (i) the land becomes part of that area;
 - (ii) the contribution is paid in accordance with section 201SP; and
 - (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following—
 - (i) the contribution is paid in accordance with section 201SP;
 - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (6) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs on or after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the

liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following—

- (a) the contribution is paid in accordance with section 201SP;
 - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (7) In this section, type A land will be taken to have become part of a precinct structure plan area if the land—
- (a) is zoned under an planning scheme as a Comprehensive Development Zone and is subject to a Comprehensive Development Plan incorporated by that planning scheme; or
 - (b) is within an urban development area and is subject to a Development Plan approved by the responsible authority in accordance with the planning scheme that applies to that land.
- (8) If, under this section a growth areas infrastructure contribution is to be indexed in accordance with section 201SN for the period specified in this section, a reference in this Part to that contribution is taken to be a reference to that contribution so indexed.

201SN Method of calculating indexation of deferred GAIC

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to indexation under section 201SMA, the deferred amount of growth areas infrastructure contribution is indexed in accordance with this section.
- (2) Indexation of a deferred amount of growth areas infrastructure contribution is to be calculated at the end of each financial year after the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1).
- (3) The indexation of a deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is calculated in accordance with Part 5 of Schedule 1.
- (4) The deferred amount of a growth areas infrastructure contribution, after indexation, for a financial year is the adjusted deferred amount of the contribution for that financial year within the meaning of Part 5 of Schedule 1.

201SO Interest payable on deferred GAIC

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to the payment of interest under section 201SMA, the payment of interest is calculated at the 10-year bond rate applying from time to time.
- (2) The interest is calculated on a daily basis for the period that the interest is payable under section 201SMA and is calculated on the deferred amount of the growth areas infrastructure contribution.
- (3) In this section the *10-year bond rate* in respect of any day is the average of the daily yields for the 10-year Treasury Corporation of Victoria bond (published from time to time by the Treasury Corporation of Victoria established under Part 2 of the **Treasury Corporation of Victoria Act 1992**) for the month of May in the financial year preceding the financial year in which the day occurs.

201SOA Remission of interest by Commissioner

The Commissioner, in such circumstances as the Commissioner considers appropriate, may remit interest payable under this Subdivision by any amount.

201SOB Removal of liability for GAIC if land ceases to be in contribution area

If land, in respect of which a growth areas infrastructure contribution has been deferred, ceases to be in the contribution area within 3 years after the liability to pay the

contribution arose, the liability to pay that deferred contribution is extinguished to the extent that it relates to the land that has ceased to be in the contribution area."

36. Clause 9, page 34, line 21, after "of" insert "the whole or part of".
37. Clause 9, page 34, line 25, omit "contribution and the" and insert "deferred contribution and any".
38. Clause 9, page 34, line 27, after "that" insert "deferred".
39. Clause 9, page 34, lines 29 to 32, omit all words and expressions on these lines".
40. Clause 9, page 35, line 1, omit "(b) " and insert "(a)".
41. Clause 9, page 35, line 4, omit "(c)" and insert "(b)".
42. Clause 9, page 35, line 8 before "a" insert "the whole or part of".
43. Clause 9, page 35, line 12, omit "contribution and the" and insert "deferred contribution and any".
44. Clause 9, page 35, line 14, after "that" insert "deferred".
45. Clause 9, page 35, lines 16 to 28, omit all words and expressions on these lines.
46. Clause 9, page 35, line 29, omit "(c)" and insert "(a)".
47. Clause 9, page 35, line 33, after "the" insert "deferred".
48. Clause 9, page 36, line 1, omit "(d) and insert "(b)".
49. Clause 9, page 36, line 24, before "a" insert "the whole or part of".
50. Clause 9, page 36, lines 32 to 37, omit all words and expressions on these lines.
51. Clause 9, page 36, after line 37 insert—

"201SPA Default on payment of deferred GAIC

If a person does not pay the deferred growth areas infrastructure contribution and any interest charged under this Subdivision relating to that contribution when due for payment under section 201SP, the amount of the contribution deferred under section 201SM becomes immediately payable as if the election of the deferral had never been made.

Note

If the deferred growth areas infrastructure contribution, including any indexation and interest, is not paid when due under section 201SP, a tax default within the meaning of the **Taxation Administration Act 1997** will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL."

52. Clause 9, page 37, line 5, omit "the" and insert "any".
53. Clause 9, page 37, line 7, omit "contribution" and insert "deferred contribution, which is due to be paid under section 201SP".
54. Clause 9, page 37, line 30, after "paid" insert "or the liability to pay the contribution is extinguished".
55. Clause 9, page 37, line 31, omit "may" and insert "must".
56. Clause 9, page 38, line 22, before "which" insert "the whole or part of".
57. Clause 9, page 38, line 25, after "the" insert "deferred".
58. Clause 9, page 39, lines 4 to 8, omit all words and expressions on these lines.
59. Clause 9, page 39, line 9, omit "(6)" and insert "(5)".
60. Clause 9, page 39, line 28, after "immediately" insert "as if the approval had never been given".
61. Clause 9, page 40, line 1, omit "(7)" and insert "(6)".
62. Clause 9, page 40, line 6, omit "(8)" and insert "(7)".

63. Clause 9, page 40, line 12, omit "(9)" and insert "(8)".
64. Clause 9, page 40, line 14, omit "the" and insert "any".
65. Clause 9, page 40, after line 15 insert—

"201SRA Subsequent owner of land in respect of which approval granted liable to pay GAIC

- (1) If an approval is granted under section 201SR for the staged payment of a growth areas infrastructure contribution and the ownership of the whole of the land in respect of which the contribution is imposed is transferred to a person (the *subsequent owner*) other than the person granted the approval (the *former owner*) as a result of the occurrence of a dutiable transaction relating to land—
- (a) the liability to pay the contribution is imposed on the subsequent owner from the time of the occurrence of the transaction; and
 - (b) the liability of the former owner to pay the contribution is extinguished from the time of the occurrence of the transaction; and
 - (c) the subsequent owner is taken to have been granted an approval for the staged payment of the contribution that the subsequent owner is liable to pay under paragraph (a); and
 - (d) the approval taken to have been granted under paragraph (c) is subject to the same conditions as the approval granted to the former owner; and
 - (e) the approval taken to have been granted under paragraph (c) is taken to take effect from the date the dutiable transaction relating to land occurs.
- (2) Within 10 days of the date of occurrence of the dutiable transaction referred to in subsection (1), the former owner must give the Minister written notice of the transaction setting out the contact details for the subsequent owner.
- (3) The Minister, on the application of the subsequent owner, must give to the subsequent owner a notice in the same form as the notice in section 201SU(1) subject to paragraph (c) of that section being read as if the reference to "the GAIC event" were a reference to "the dutiable transaction relating to land".
- (4) The Minister must forward a copy of the notice under subsection (3) to the Commissioner and to the Growth Areas Authority.
- (5) In this section a dutiable transaction relating to land occurs at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**.
66. Clause 9, page 40, line 26, omit "that" and insert "the whole or part of which".
67. Clause 9, page 40, line 27, after "that" insert "deferred".
68. Clause 9, page 41, line 7, omit "201SN(1)" and insert "201SO".
69. Clause 9, page 41, lines 9 and 10, omit "that liability to pay the contribution arises" and insert "by which the contribution would have been payable under section 201SL had the approval not been given".
70. Clause 9, page 41, line 14, omit "that" and insert "the whole or part of which".
71. Clause 9, page 42, line 24, omit "Any" and insert "A".
72. Clause 9, page 42, lines 27 to 29, omit ", including the interest payable under section 201SV relating to that contribution,".
73. Clause 9, page 43, lines 3 to 5, omit ", including the interest payable under section 201SV relating to that contribution,".

74. Clause 9, page 43, line 18, omit "may" and insert "must".
75. Clause 9, page 43, after line 25 insert—
 "(8) In this section a growth areas infrastructure contribution includes any interest payable under Subdivision 3, and the interest payable under section 201SV, relating to that contribution."
76. Clause 9, page 44, lines 1 to 7, omit all words and expressions on these lines.
77. Clause 9, page 44, line 22, after "the" insert "whole or part of the".
78. Clause 9, page 44, line 25, omit "contribution and the" and insert "deferred contribution and any".
79. Clause 9, page 45, after line 8 insert—
 "(iii) the liability of the person to pay the contribution has been extinguished under section 201SMAA or 201SOB or".
80. Clause 9, page 45, lines 9 to 17, omit all words and expressions on these lines and insert—
 "(c) if the person has been given an approval under Subdivision 4 for the staged payment of the contribution and—
 (i) the Commissioner is satisfied that person has paid the whole contribution, the interest payable under section 201SV and any applicable interest or penalty tax imposed under Part 5 of the **Taxation Administration Act 1997**; or
 (ii) the liability of the person to pay the contribution has been extinguished under section 201SRA; or".
81. Clause 9, page 45, line 30, after "pay" insert "the whole or part of".
82. Clause 9, page 48, line 8, after "3" insert "and the percentage of the contribution that has been deferred".
83. Clause 9, page 49, line 17, omit "the" and insert "any".
84. Clause 9, page 49, line 19, after "contribution" insert "payable under Subdivision 3".
85. Clause 9, page 54, line 32, omit "that" and insert "the whole or part of which".
86. Clause 9, page 55, line 10, omit "that" and insert "the whole or part of which".
87. Clause 9, page 59, line 13, omit "that" and insert "the whole or part of which".
88. Clause 9, page 61, line 15, omit "contribution." and insert "contribution; or".
89. Clause 9, page 61, after line 15 insert—
 "(d) to extend the period within which the growth areas infrastructure contribution must be paid."
90. Clause 9, page 61, line 18, omit "that" and insert "the whole or part of which".
91. Clause 9, page 62, after line 28 insert—
 "(4) If the Board grants an extension of the time within which a person must pay a growth areas infrastructure contribution, the Board must give the person a notice stating that the extension has been granted."
92. Clause 9, page 62, line 29, omit "(4)" and insert "(5)".
93. Clause 9, page 62, line 30, omit "or (3)" and insert ", (3) or (4)".
94. Clause 9, page 63, line 1, omit "(5)" and insert "(6)".
95. Clause 9, page 63, line 15, omit "(6)" and insert "(7)".
96. Clause 9, page 64, lines 1 to 4, omit "selected by the Chief Executive Officer of the Growth Areas Authority or his or her nominee from a panel of 3 persons".

97. Clause 9, page 65, after line 25 insert—

"201UAA Growth Areas Authority to inform Commissioner when precinct structure plan applies to contribution area land

The Growth Areas Authority must, within 10 days of any land in the contribution area becoming part of a precinct structure plan area, give to the Commissioner in writing the following information—

- (a) a description of the land;
- (b) the date that the notice of approval of the amendment to the planning scheme, which made the land part of the precinct structure plan area, was published in the Government Gazette.

201UAB Growth Areas Authority may request council to provide information about contribution area land

- (1) The Growth Areas Authority may, for the purposes of carrying out any function conferred on it under this Part, make a written request to a municipal council to provide the Authority with information relating to any land within the municipal district of that council that is within a growth area.
- (2) A municipal council must as soon as possible provide the Growth Areas Authority with the information requested under subsection (1)."

98. Clause 9, page 65, line 34, after "must" insert "be".

99. Clause 9, page 66, line 32, before "record" insert ", without charge,".

100. Clause 9, page 68, line 10, omit "Infrastructure" and insert "Public Transport".

101. Clause 9, page 68, line 20, omit "Infrastructure" and insert "Public Transport".

102. Clause 9, page 68, line 22. omit "Infrastructure" and insert "Public Transport".

103. Clause 9, page 68, line 29, before "infrastructure" insert "public transport".

104. Clause 9, page 69, lines 17 to 26, omit all words and expressions on these lines and insert—

"(1) There must be paid out of the Building New Communities Fund amounts authorised by the Minister to be used to provide financial assistance for or with respect to capital works for State funded infrastructure including the following—

- (a) transport infrastructure including walking and cycling but excluding major public transport infrastructure;
- (b) community infrastructure including health facilities, education facilities, regional libraries, neighbourhood houses and major recreation facilities;
- (c) environmental infrastructure including regional open space, trails and creek protection;
- (d) economic infrastructure including providing access to information and technology and infrastructure supporting the development of commerce and industry;
- (e) the acquisition of land and other infrastructure necessary or required for the establishment or maintenance of any infrastructure referred to in this subsection."

105. Clause 9, page 70, lines 6 to 10, omit all words and expressions on these lines and insert—

"(a) details of the income and expenditure of the Growth Areas Public Transport Fund and the Building New Communities Fund including—

- (i) details of projects funded from each Fund; and

- (ii) separate details of the income and expenditure of each Fund in respect of each growth area; and".

106. Clause 9, page 70, after line 10 insert—

"(b) the proportion of all money, received by the Commissioner in respect of growth areas infrastructure contributions relating to each growth area since the commencement day, that has been paid out in relation to that growth area since that day; and".

107. Clause 9, page 70, line 11, omit "(b)" and insert "(c)".

108. Clause 12, line 23, omit "2009/2010" and insert "2010/2011".

109. Clause 13, page 73, lines 1 to 15, omit all words and expressions on these lines.

110. Clause 13, page 73, line 19, omit "3" and insert "2".

111. Clause 13, page 74, line 31, omit "4" and insert "3".

112. Clause 13, page 75, line 1, omit "2009/2010" and insert "2010/2011".

113. Clause 13, page 75, line 11, omit "construction" and insert "consumer price".

114. Clause 13, page 75, line 18, omit "construction" and insert "consumer price".

115. Clause 13, page 75, lines 24 to 32, omit all words and expressions on these lines and insert—

Example

In the case of a determination of the threshold amount for the 2011/2012 financial year, "PTA" is the threshold amount applying in the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010."

116. Clause 13, page 76, line 4, omit "5" and insert "6".

117. Clause 13, page 76, line 7, omit "5" and insert "4".

118. Clause 13, page 76, line 10, omit "2010/2011" and insert "2011/2012".

119. Clause 13, page 76, line 24, omit "construction" and insert "consumer price".

120. Clause 13, page 76, line 29, omit "construction" and insert "consumer price".

121. Clause 13, page 77, line 1, omit "construction" and insert "consumer price".

122. Clause 13, page 77, lines 7 to 15, omit all words and expressions on these lines and insert—

Example

In the case of a determination of the threshold amount for the 2011/2012 financial year, "PTA" is the threshold amount applying in the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010."

123. Clause 13, page 77, line 21, omit "(up).!" and insert "(up).".

124. Clause 13, page 77, after line 21, insert—

PART 5

Section 201SN

INDEXATION OF DEFERRED GROWTH AREAS INFRASTRUCTURE CONTRIBUTION

5 Adjusted deferred amount of growth areas infrastructure contribution

- (1) The adjusted deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is to be determined in accordance with the following formula—

$$ADA = \frac{PDA \times A}{B}$$

where—

ADA is the adjusted deferred amount of the contribution to be determined, rounded down to the nearest 2 decimal places;

PDA is the deferred amount or the adjusted deferred amount (as the case may be) of the contribution for the previous financial year;

A is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the financial year in respect of which the adjusted deferred amount of the contribution is to be determined;

B is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the previous financial year.

Example

In the case of a determination of the adjusted deferred amount of contribution for the 2011/2012 financial year, "PDA" is the deferred amount of the contribution for the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010.

- (2) The adjusted deferred amount of growth areas infrastructure contribution under subclause (1) is to be rounded up or down to the nearest \$10 (and, if the amount by which the contribution to be rounded is \$5, is to be rounded up).'.'

125. Clause 17, page 81, line 7, after "paid" insert "or there has been a deferral of the whole or part of the liability to pay the contribution".

126. Clause 17, page 81, after line 26 insert—

"(ia) any certificate of deferral of the liability to pay the whole or part of a growth areas infrastructure contribution imposed in respect of the land issued under that Part;".

127. Clause 24, line 9, omit all words and expressions on this line and insert "**24 Refunds of tax**".

128. Clause 24, after line 9 insert—

'(1) In section 19(2A) of the **Taxation Administration Act 1997**, after "**2005**" insert "or a refund of a contribution paid or purportedly paid under Part 9B of the **Planning and Environment Act 1987**".'

129. Clause 24, line 10, before "At" insert "(2)".

130. Clause 25, line 22, omit "1987 if—" and insert '1987.'.
131. Clause 25, lines 23 to 31, omit all words and expressions on these lines.
132. Clause 26, line 17, after "the" insert "whole or part of the".
133. Clause 30, line 21, omit "Infrastructure" and insert "Public Transport".
134. Clause 33, line 3, omit "1 October 2011" and insert "1 May 2012".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 170, 171 and 172

No 170 — Tuesday 25 May 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Associations Incorporation Act 1981 in relation to regulatory requirements for incorporated associations and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the Attorney-General and Solicitor-General Act 1972, the Constitution Act 1975, the County Court Act 1958, the Emergency Services Superannuation Act 1986, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Police Regulation Act 1958, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Supreme Court Act 1986 and the Transport Superannuation Act 1988 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the Water Act 1989 to establish the Victorian Environmental Water Holder as a body corporate responsible for managing the environmental water holdings of the State and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the Control of Weapons Act 1990 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 57 signatures (*Mr Crisp*)
 - Mildura Aboriginal Corporation** — Requesting that the House investigates funding arrangements and services at the Mildura Aboriginal Corporation to ensure the Aboriginal community is properly supported, bearing 20 signatures (*Mr Crisp*)
 - Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 14 signatures (*Mr Northe*)
 - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 281 signatures (*Mr Northe*)

Free School Bus Services in Echuca — Requesting that the House ensures that the free school bus service in the Mary Ann Road area of Echuca is maintained, bearing 26 signatures (*Mr Weller*).

Petitions ordered to be tabled.

8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **PETITION — MILDURA ABORIGINAL CORPORATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

12 **PETITION — FREE SCHOOL BUS SERVICES IN ECHUCA** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

13 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 7 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Appropriation (2010/2011) Bill 2010
 Appropriation (Parliament 2010/2011) Bill 2010
 Building Amendment Bill 2010
 Child Employment Amendment Bill 2010
 Domestic Animals Amendment (Dangerous Dogs) Bill 2010
 Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010
 Education and Training Reform Further Amendment Bill 2010
 Justice Legislation Amendment Bill 2010
 Members of Parliament (Standards) Bill 2010
 Parks and Crown Land Legislation (Mount Buffalo) Bill 2010
 Pharmacy Regulation Bill 2010
 State Taxation Acts Amendment Bill 2010
 Transport Legislation Amendment (Ports Integration) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 18 (*Gazette G18, 6 May 2010*)

Parliamentary Committees Act 2003 — Government response to the Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Boroondara — C93, C105, C111
 Cardinia — C77, C113
 Casey — C119
 Darebin — C114
 Greater Shepparton — C94
 Knox — C71
 Latrobe — C24 Part 1
 Maribyrnong — C91
 Monash — C91
 Mount Alexander — C48
 Nillumbik — C59
 South Gippsland — C53
 Stonnington — C121, C124
 Surf Coast — C54, C64
 Victoria Planning Provisions — VC70
 Whittlesea — C125
 Wodonga — C79

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — SR 25
Road Safety Act 1986 — SR 26
Supreme Court Act 1986 — SRs 22, 23, 24

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 22, 23, 24, 25
 Minister's exemption certificate in relation to Statutory Rule 26

Victorian Electoral Commission — Report on the Altona District by-election held on 13 February 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Part 1, ss 18, 37, 38, 40, 41, 42, 43, Division 4 of Part 5, ss 77, 78, 79 and 81, and Divisions 2, 3, 4 and 5 of Part 6 — 22 May 2010; Division 1 of Part 5 — 1 June 2010 (*Gazette G20, 20 May 2010*)
Trustee Companies Legislation Amendment Act 2010 — Whole Act — 11 May 2010 (*Gazette S171, 11 May 2010*).

14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010
 Trustee Companies Legislation Amendment Bill 2010.

15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 17 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 11 May 2010

Trustee Companies Legislation Amendment Bill 2010

On 18 May 2010

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Pharmacy Regulation Bill 2010

State Taxation Acts Amendment Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 May 2010:

Building Amendment Bill 2010

Parks and Crown Land Legislation (Mount Buffalo) Bill 2010

State Taxation Acts Amendment Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 21 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 23 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Duncan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

26 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 171 — Wednesday 26 May 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 54 signatures (*Mr Crisp*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 259 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **DOCUMENTS**

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

ROAD SAFETY COMMITTEE — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into Pedestrian Safety in Car Parks, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Wells, Deputy Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part One, together with an appendix and transcripts of evidence.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council Victoria — Report 2009 (two documents)

Auditor-General:

Control of Invasive Plants and Animals in Victoria's Parks — Ordered to be printed
 Managing Teacher Performance in Government Schools — Ordered to be printed
 Partnering with the Community Sector in Human Services and Health — Ordered to be printed
 Tertiary Education and Other Entities: Results of the 2009 Audits — Ordered to be printed
 The Community Building Initiative — Ordered to be printed

EastLink Project Act 2004 — EastLink Concession Deed Second Amending Deed

Ombudsman — Own motion investigation into Child Protection — out of home care — Ordered to be printed

Statutory Rules under the following Acts:

Marine Act 1988 — SR 27

Road Safety Act 1986 — SR 28

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 28.

5 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Legislation Reform (Repeals No. 6) Bill 2009

Radiation Amendment Bill 2010.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 with the amendments recommended by the Dispute Resolution Committee.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the Severe Substance Dependence Treatment Bill 2009 suggesting amendments and advising that they have also made amendments to the Bill.

Ordered — That the suggested amendments and amendments be taken into consideration tomorrow.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Road Safety Committee's Report on the Inquiry into Pedestrian Safety in Car Parks

Education and Training Committee's Report on the Skills Shortages in the Rail Industry

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

- 11 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

Member named and suspended — The Member for Hastings (*Mr Burgess*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Hastings (*Mr Burgess*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put and agreed to.

Mr Burgess accordingly withdrew from the Chamber.

- 13 **APPROPRIATION (2010/2011) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 15 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 16 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 17 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 172 — Thursday 27 May 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street, Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 174 signatures (*Mr Smith, Bass*)

Mildura Aboriginal Corporation — Requesting that the House investigates funding arrangements and services at the Mildura Aboriginal Corporation to ensure the Aboriginal community is properly supported, bearing 21 signatures (*Mr Crisp*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 57 signatures (*Mr Crisp*)

Shepparton to Cobram Passenger Rail Services — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 30 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — MILDURA ABORIGINAL CORPORATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

6 **DOCUMENTS**

PRIVILEGES COMMITTEE — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Mr Rob Small, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

PRIVILEGES COMMITTEE — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Mr Brian Rule, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

National Parks Act 1975 — Notice of consent under s 40

Parliamentary Committees Act 2003 — Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 June 2010 (*Mr Helper*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

11 **APPROPRIATION (2010/2011) BILL 2010** — Resumption of debate on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Environment Protection Amendment (Landfill Levies) Bill 2010 without amendment.

13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 14 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for first resort builders warranty insurance similar to the Queensland model, which is accepted best practice' (*Mr Ingram*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 May 2010 had expired.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to provide for first resort builders warranty insurance similar to the Queensland model, which is accepted best practice'.
- Question — That the words proposed to be omitted stand part of the question — put and agreed to.
- Mr Ingram asked that his dissent be recorded.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Fair Trading Amendment (Unfair Contract Terms) Bill 2010
Therapeutic Goods (Victoria) Bill 2010.
- 20 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 10 June 2010.
- 21 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.
- After debate, the amendment was agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 22 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

25 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.09 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 173, 174 and 175

No 173 — Tuesday 8 June 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Working with Children Act 2005** and the **Child Employment Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to make provision for a system of personal safety intervention orders, the use of mediation and other matters relating to the prevention and resolution of prohibited behaviour and stalking, to repeal the **Stalking Intervention Orders Act 2008** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Electoral Act 2002** to increase electoral participation and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Ms Neville obtained leave to bring in a Bill '*for an Act to regulate private supported residential services, to make consequential amendments to the **Health Services Act 1988** and several other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Mobile Phone Tower in Myrree** — Requesting that the House notes the need for a mobile phone tower be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 113 signatures (*Dr Sykes*)
 - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 7 and 14 signatures (*Dr Sykes and Mr Crisp respectively*)
 - Amendment C33 Wellington Shire Planning Scheme** — Requesting that the House directs the Wellington Shire to remove Port Albert from the C33 Amendment in the Wellington Shire Planning Scheme, bearing 685 signatures (*Mr Ryan*)
 - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 23 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

8 **PETITION — AMENDMENT C33 WELLINGTON SHIRE PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 8 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Amendment Bill 2010
Control of Weapons Amendment Bill 2010
Superannuation Legislation Amendment Bill 2010
Water Amendment (Victorian Environmental Water Holder) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into People Trafficking for Sex Work, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Melbourne City Link Act 1995:

M1 Corridor Redevelopment Deed Third Amending Deed
Melbourne City Link Twenty-eighth Amending Deed

Parliamentary Committees Act 2003 — Government response to the Road Safety Committee's Report on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside — C104

Boroondara — C106
 Brimbank — C86
 Campaspe — C74
 East Gippsland — C76
 Golden Plains — C54
 Greater Bendigo — C125, C140, C142
 Greater Geelong — C206, C207, C211
 Indigo — C21
 Knox — C83
 Manningham — C87
 Maroondah — C68
 Mitchell — C66
 Moorabool — C55
 Stonnington — C137
 West Wimmera — C20
 Yarra — C135

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR 29
Building Act 1993 — SR 32
Forests Act 1958 — SR 30
Road Safety Act 1986 — SR 33
Transport Accident Act 1986 — SR 31

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 27, 29, 32, 33.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Child Employment Amendment Bill 2010
 Education and Training Reform Further Amendment Bill 2010
 Health and Human Services Legislation Amendment Bill 2010
 Prahran Mechanics' Institute Amendment Bill 2010.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 1 June 2010, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Environment Protection Amendment (Landfill Levies) Bill 2010
 Fair Trading Amendment (Unfair Contract Terms) Bill 2010
 Legislation Reform (Repeals No. 6) Bill 2009
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009
 Radiation Amendment Bill 2010
 Therapeutic Goods (Victoria) Bill 2010.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Child Employment Amendment Bill 2010
 Education and Training Reform Amendment Bill 2009
 Education and Training Reform Further Amendment Bill 2010
 Health and Human Services Legislation Amendment Bill 2010
 Justice Legislation Amendment Bill 2010

Prahran Mechanics' Institute Amendment Bill 2010
Water Amendment (Entitlements) Bill 2009.

- 17 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Control of Weapons Amendment Bill 2010
Superannuation Legislation Amendment Bill 2010
Water Amendment (Victorian Environmental Water Holder) Bill 2010.

- 18 **PARLIAMENTARY COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That —

- (1) The resolution of the House of 4 December 2008 providing that the **Education and Training Committee** be required to present its report, on the inquiry into the potential for developing opportunities for schools to become a focus for promoting healthy community living, to the Parliament no later than 1 July 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010; and
- (2) The resolution of the House of 13 August 2009 providing that the **Outer Suburban/Interface Services and Development Committee** be required to present its report, on the inquiry into farmers' markets, to the Parliament no later than 31 August 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010 —

(Mr Batchelor) — put and agreed to.

- 19 **ORDER OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That the Order of the House making the resumption of debate on the second reading of the Superannuation Legislation Amendment Bill 2010 an Order of the Day for 9 June 2010 be read and rescinded and that the Bill be made an Order of the Day for today *(Mr Batchelor)* — put, after debate, and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 June 2010:

Appropriation (2010/2011) Bill 2010
Appropriation (Parliament 2010/2011) Bill 2010
Pharmacy Regulation Bill 2010
Superannuation Legislation Amendment Bill 2010

(Mr Batchelor) — put, after debate, and agreed to.

- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.

- 23 **PHARMACY REGULATION BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Stensholt)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Marshall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

- 27 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

WEDNESDAY 9 JUNE 2010

The Deputy Speaker left the Chair, after debate, at 12.00 am.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 174 — Wednesday 9 June 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 41 signatures (*Mr Smith, Bass*)

Manor Lakes Regional Rail Link — Requesting that the House ensures the section of the Regional Rail Link that passes through Manor Lakes is constructed in a full ground cutting as detailed in the Regional Rail Link Engineering Design, bearing 4568 signatures (*Mr Eren*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 28 signatures (*Mr Crisp*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 80 signatures (*Mr Northe*).

Petitions ordered to be tabled.

3 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

6 DOCUMENTS

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part Two, together with transcripts of evidence.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Administration of the Victorian Certificate of Education — Ordered to be printed

Hazardous Waste Management — Ordered to be printed

Irrigation Efficiency Programs — Ordered to be printed

Personal Safety and Security on the Metropolitan Train System — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 26 (*Gazette G22, 3 June 2010*)

Planning and Environment Act 1987 — Urban Growth Boundary — Victoria Planning Provision Amendment VC67, explanatory documents and maps

Statutory Rules under the following Acts:

Chattel Securities Act 1987 — SR 36

Road Safety Act 1986 — SR 35

Transfer of Land Act 1958 — SR 34

Subordinate Legislation Act 1994 — Ministers' exception certificates in relation to Statutory Rules 34, 35, 36.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — REGIONAL GROWTH FUND** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Liberal Nationals Coalition on its far sighted policy commitment to establish a \$1 billion Regional Growth Fund for the benefit of regional and rural Victoria.'

Mr Ryan addressed the House — Discussion followed.

- 9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part Two

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

- 10 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 14 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

- 16 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 175 — Thursday 10 June 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Access to Medical Specialists in Bairnsdale — Requesting that the House calls upon the Government to mediate and source suitable consulting rooms at minimal cost in Bairnsdale for visiting medical specialists to ensure local people have access to services, bearing 4929 signatures (*Mr Ingram*)

Public Transport in Clunes — Requesting that the House instructs the Minister for Public Transport to implement a regular public transport service including a train regularly stopping in Clunes, bearing 364 signatures (*Mr Ingram*)

Train Service for Clunes — Requesting that the House instructs the Minister for Public Transport to ensure that the Maryborough to Ballarat train service stops at Clunes, bearing 572 signatures (*Mr Ingram*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 22 signatures (*Mr Walsh*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 38 signatures (*Mr Walsh*)

Water Price Rises — Requesting that the House condemns the Government for its mismanagement of the State's water supply, bearing 249 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 4 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 5 **PETITION — WATER PRICE RISES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 6 **PETITION — ACCESS TO MEDICAL SPECIALISTS IN BAIRNSDALE** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — PUBLIC TRANSPORT IN CLUNES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE FOR CLUNES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation Miscellaneous Amendments Bill 2010 without amendment.
- 10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 June 2010 (*Ms D'Ambrosio*) — put and agreed to.
- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 June 2010.
- 13 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 15 **QUESTIONS** — (Under SO 55).
- 16 **APPROPRIATION (2010/2011) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Building Amendment Bill 2010 without amendment.

- 18 **PHARMACY REGULATION BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 June 2010 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 20 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Parks and Crown Land Legislation (Mount Buffalo) Bill 2010
State Taxation Acts Amendment Bill 2010.

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 23 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 176, 177 and 178

No 176 — Tuesday 22 June 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CIVIL PROCEDURE BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to provide for the reform and modernisation of the laws, practice, procedure and processes for the resolution of civil disputes which may lead to civil proceedings and for the initiation and conduct of civil proceedings and appeals, to amend the *Supreme Court Act 1986*, the *County Court Act 1958* and the *Magistrates' Court Act 1989* and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JURIES AMENDMENT (REFORM) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the *Juries Act 2000* and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the *Electricity Industry Act 2000*, the *Electricity Safety Act 1998*, the *National Electricity (Victoria) Act 2005*, the *Energy Safe Victoria Act 2005*, the *Mineral Resources (Sustainable Development) Act 1990*, the *Petroleum Act 1998*, the *Gas Industry Act 2001*, the *Victorian Energy Efficiency Target Act 2007*, to repeal the *Mines Act 1958* and to amend other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the *Firearms Act 1996*, the *Control of Weapons Act 1990*, the *Graffiti Prevention Act 2007*, the *Transport Act 1983* and the *Liquor Control Reform Act 1998* and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the *Catchment and Land Protection Act 1994*, the *Livestock Disease Control Act 1994*, the *Primary Industries Legislation Amendment Act 2009* and the *Veterinary Practice Act 1997* and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 30 signatures (*Ms Asher*)
 - Retail Betting Agencies** — Requesting that the House ensures the continued and viable operation of the current network of retail betting agencies is a condition of the post-2012 wagering licence awarded by the Government, bearing 3145 and 4445 signatures (*Ms Asher and Dr Naphthine respectively*)

Domaine Retirement Village — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Domaine Retirement Village on Victoria Street in Doncaster, bearing 179 signatures (*Ms Wooldridge*)

Conditions in the Community Sector — Requesting that the House immediately invests in the conditions of workers in the community sector to provide — (a) better wages; (b) portability of long service leave; (c) paid parental leave; and (d) safe workplaces, bearing 2168 signatures (*Mr Trezise*)

Equal Remuneration in the Community Sector — Requesting that the Government supports the community sector by committing to properly fund the pay increase that will result from the ASU's equal remuneration case, bearing 584 signatures (*Mr Trezise*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8, 100 and 365 signatures (*Mr Crisp, Mr Northe and Mr Walsh respectively*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 19 signatures (*Mr Walsh*)

Fire Services Funding — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 19 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 9 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 10 **PETITION — RETAIL BETTING AGENCIES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 11 **PETITION — RETAIL BETTING AGENCIES** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.
- 12 **PETITION — DOMAINE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 13 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

15 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 9 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Control of Weapons Amendment Bill 2010
 Courts Legislation Miscellaneous Amendments Bill 2010
 Electoral Amendment (Electoral Participation) Bill 2010
 Personal Safety Intervention Orders Bill 2010
 Pharmacy Regulation Bill 2010
 Supported Residential Services (Private Proprietors) Bill 2010
 Working with Children Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C75
 Greater Geelong — C226
 Melbourne — C122
 Murrindindi — C23
 Surf Coast — C37

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 — SR 37
Subordinate Legislation Act 1994 — SR 38

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 38
 Minister's exemption certificate in relation to Statutory Rule 37

Water Act 1989:

Abolition of Campaspe Deep Lead Groundwater Supply Protection Area Order 2010
 Lower Campaspe Valley Water Supply Protection Area (Groundwater) Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Livestock Disease Control Act 1994 — Section 92(2) — 1 July 2010 (*Gazette G24, 17 June 2010*)
Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Part 1 and ss 3, 4 and 5 — 8 June 2010 (*Gazette S212, 8 June 2010*)
State Taxation Acts Further Amendment Act 2008 — Section 11(3) and Division 3 of Part 4 — 1 July 2010 (*Gazette G24, 17 June 2010*)
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010 — Sections 39, 72, 73 and 74 — 11 June 2010; ss 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Division 2 of Part 2, the remaining provisions of Division 1 of Part 3 and ss 75, 76 and 80 — 30 June 2010; Remaining

provisions of Part 4 — 1 July 2010; Division 3 of Part 5 and Part 7 — 31 December 2010 (*Gazette G23, 10 June 2010*).

- 16 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 15 June 2010, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Building Amendment Bill 2010
 Courts Legislation Miscellaneous Amendments Bill 2010
 Parks and Crown Land Legislation (Mount Buffalo) Bill 2010
 State Taxation Acts Amendment Bill 2010.

- 17 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Personal Safety Intervention Orders Bill 2010
 Supported Residential Services (Private Proprietors) Bill 2010.

- 18 **ROAD SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 24 November 2009 providing that the Road Safety Committee be required to present its report, on the inquiry into Federal-State road funding arrangements, to the Parliament no later than 1 July 2010 be amended so far as to require the report to be presented to the Parliament no later than 1 September 2010 (*Mr Batchelor*) — put and agreed to.

- 19 **ORDER OF THE DAY DISCHARGED** — Motion made, by leave, and question — That the following Order of the Day, Government Business, be read and discharged:

Macedonian Orthodox Church (Victoria) Property Trust Bill 2009 — Second reading — Resumption of debate

and that the Bill be withdrawn (*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 June 2010:

Control of Weapons Amendment Bill 2010
 Domestic Animals Amendment (Dangerous Dogs) Bill 2010
 Electoral Amendment (Electoral Participation) Bill 2010
 Gambling Regulation Amendment (Licensing) Bill 2010
 Public Finance and Accountability Bill 2009
 Supported Residential Services (Private Proprietors) Bill 2010
 Water Amendment (Victorian Environmental Water Holder) Bill 2010
 Working with Children Amendment Bill 2010

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Helper announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Munt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

23 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Transport Legislation Amendment (Ports Integration) Bill 2010.

25 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 177 — Wednesday 23 June 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the

proposed legislation as a matter of urgency, bearing 11 and 11 signatures (*Dr Sykes and Mrs Powell respectively*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 6 and 478 signatures (*Dr Sykes and Mrs Powell respectively*)

Victorian Patient Transport Assistance Scheme — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 5 signatures (*Dr Sykes*)

Youth Allowance — Rural Students — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 15 signatures (*Dr Sykes*)

Regional Education — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 6 signatures (*Dr Sykes*)

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 200 signatures (*Dr Sykes*)

Digital Train Radio System Base Tower, Seaford Rail Station — Requesting that the House asks the Minister for Public Transport to cease works on the erection of a Digital Train Radio System Base Tower at Seaford Railway Station until a more suitable location for the tower can be found on the railway reserve, bearing 267 signatures (*Dr Harkness*)

Bungower Rail Level Crossing — Requesting that the House asks the Government to install boom barriers at the Bungower Rail Level Crossing to prevent accidents, bearing 24 signatures (*Mr Burgess*)

Pedestrian Crossing in Baxter and Tooradin Roads, Baxter — Requesting that the House instructs VicRoads to install a pedestrian crossing in Baxter and Tooradin Roads in Baxter, bearing 107 signatures (*Mr Burgess*).

Petitions ordered to be tabled.

- 3 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — BUNGOWER RAIL LEVEL CROSSING** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 6 **PETITION — PEDESTRIAN CROSSING IN BAXTER AND TOORADIN ROADS, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Access to Social Housing — Ordered to be printed
 Management of Major Rail Projects — Ordered to be printed
 Managing the Requirements for Disclosing Private Sector Contracts — Ordered to be printed

Ombudsman — Investigation into the probity of the Kew Residential Services and St Kilda Triangle developments — Ordered to be printed.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Appropriation (Parliament 2010/2011) Bill 2010
 Pharmacy Regulation Bill 2010
 Superannuation Legislation Amendment Bill 2010.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — BLUEPRINT FOR REGIONAL AND RURAL VICTORIA** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its ongoing investment and support for regional and rural Victoria including through the *Ready for Tomorrow: A Blueprint for Regional and Rural Victoria* and condemns the Liberal and Nationals Coalition for taking regional and rural Victoria for granted.'

Ms Allan addressed the House — Discussion followed.

- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports 2008

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Road Safety Committee's Report on the Inquiry into Pedestrian Safety in Car Parks

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne.

- 18 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 19 **QUESTIONS** — (Under SO 55).

- 20 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide that water held by the Victorian Environmental Water Holder be treated as borrowed water in the event that the Minister qualifies environmental entitlements under the *Water Act 1989*, to ensure that when environmental flows, entitlements, water shares or water set aside for the environment is qualified and withheld for purposes other than at the direction of the Water Holder, the water is to be paid back within five years' (*Mr Ingram*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.40 pm.

No 178 — Thursday 24 June 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street, Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 42 signatures (*Mr Smith, Bass*)

Additional Police Officers for Victoria — Requesting that the House allocates the necessary funding to provide for the urgent recruitment of 3,000 additional police officers to secure the safety of the Victorian community, bearing 67104 signatures (*Mr Ryan*)

Equal Opportunity Act 1995 Exemptions and Exceptions — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 26 signatures (*Ms D'Ambrosio*)

Fire Services Levy — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 19 signatures (*Mr Jasper*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 52 and 29 signatures (*Mr Jasper and Mr Thompson, Sandringham respectively*)

New Street Railway Gates — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 2 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

5 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

6 **PETITION — ADDITIONAL POLICE OFFICERS FOR VICTORIA** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

7 **DOCUMENTS**

HEALTH PRACTITIONER REGULATION NATIONAL LAW — REGULATION NO 42/2010 — Motion made, by leave, and question — That Regulation No 42/2010 under the Health Practitioner Regulation National Law be tabled (*Mr Batchelor*) — put and agreed to.

ELECTORAL MATTERS COMMITTEE — Mr Scott, Chair, presented a report from the Electoral Matters Committee on the Inquiry into the functions and administration of voting centres, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

Multicultural Victoria Act 2004 — Victorian Government Achievements in Multicultural Affairs Report 2008–09

Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

Planning and Environment Act 1987 — Notice of approval of an amendment to the Victoria Planning Provisions — VC62

Police Integrity, Office of — Update on conditions in Victoria Police cells — Ordered to be printed

Statutory Rules under the following Acts:

Livestock Disease Control Act 1994 — SR 39

Motor Car Traders Act 1986 — SR 40

Transport Act 1983 — SR 41

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 39, 40.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 July 2010 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made and question — That the Transport Legislation Amendment (Ports Integration) Bill 2010 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Cameron*) — after debate, put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 11 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Eren*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 15 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 June 2010 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 16 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Order read for resuming debate on question — That this 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 the words 'this Bill be withdrawn and redrafted to provide that water held by the Victorian Environmental Water Holder be treated as borrowed water in the event that the Minister qualifies environmental entitlements under the *Water Act 1989*, to ensure that when environmental flows, entitlements, water shares or water set aside for the environment is qualified and withheld for purposes other than at the direction of the Water Holder, the water is to be paid back within five years'.

Question — That the words proposed to be omitted stand part of the question — put and agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 13 April 2010 and 23 June 2010 — Ordered to be printed.

- 24 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for the consideration of the amendments suggested and the amendments made by the Legislative Council.

On the motion of Ms Neville and, after debate — amendment Nos 1 to 3 inclusive agreed to.

On the motion of Ms Neville and, after debate — suggested amendment Nos 1 to 3 inclusive not made.

Message sent to the Legislative Council informing them accordingly.

- 25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 10 to 13 inclusive, be postponed until later this day.

- 26 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 27 **CIVIL PROCEDURE BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 28 **JURIES AMENDMENT (REFORM) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 29 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 30 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 32 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 179, 180 and 181

No 179 — Tuesday 27 July 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF MILTON STANLEY WHITING, OAM** — The Speaker announced the death of Milton Stanley Whiting, OAM, Member of the Legislative Assembly for the Electoral District of Mildura from 1962 to 1988; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Mr Brumby obtained leave to bring in a Bill *'for an Act to recognise traditional owner groups based on their traditional and cultural associations to certain land in Victoria, to provide for the making of agreements between the State and traditional owner groups, to recognise and confer rights on traditional owner groups as to access to or ownership or management of certain public land and as to decision making rights and other rights that may be exercised in relation to the use and development of the land or natural resources on the land, to make any amendments that are necessary to other Acts to ensure the agreements are effective, to make any related and consequential amendments to other Acts and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CLIMATE CHANGE BILL 2010** — Mr Brumby obtained leave to bring in a Bill *'for an Act to provide a framework for action on climate change in Victoria, to set a target to reduce greenhouse gas emissions, to provide for forestry rights, carbon sequestration rights and soil carbon rights on land, to repeal the **Forestry Rights Act 1996**, to amend the **Conservation, Forests and Lands Act 1987**, the **Environment Protection Act 1970**, the **Transport Integration Act 2010** and other Acts and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to amend the **Mineral Resources (Sustainable Development) Act 1990** and the **Victorian Energy Efficiency Target Act 2007** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in a Bill *'for an Act to amend the **Local Government Act 1989**, the **City of Melbourne Act 2001**, the **Planning and Environment Act 1987** and other Acts and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PRIVATE SECURITY AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in a Bill *'for an Act to amend the **Private Security Act 2004** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in a Bill *'for an Act to amend the **Transport Accident Act 1986** and to make further amendments to the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**, to make consequential*

amendments to certain other Acts and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

10 **PLANT BIOSECURITY BILL 2010** — Mr Helper obtained leave to bring in a Bill '*for an Act to re-enact with amendments the laws relating to plant pest and disease control and plant product description, to repeal the **Plant Health and Plant Products Act 1995** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

11 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Fair Trading Act 1999**, the **Goods Act 1958** and other Consumer Acts, to repeal the **Disposal of Uncollected Goods Act 1961**, the **Carriers and Innkeepers Act 1958**, the **Introduction Agents Act 1997**, the **Sale of Goods (Vienna Convention) Act 1987**, the **Sea-Carriage Documents Act 1998** and the **Landlord and Tenant Act 1958** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8 and 340 signatures (*Mr Crisp and Mr Northe respectively*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 15 signatures (*Mr Crisp*)

Regional Education — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 9 signatures (*Mr Northe*).

Petitions ordered to be tabled.

14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

17 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 10 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Civil Procedure Bill 2010
 Energy and Resources Legislation Amendment Bill 2010
 Firearms and Other Acts Amendment Bill 2010
 Juries Amendment (Reform) Bill 2010
 Primary Industries Legislation Amendment Bill 2010
 Water Amendment (Victorian Environmental Water Holder) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Constitution Act 1975 — Dispute Resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010.

19 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made, by leave, and question — That the House takes note of the Dispute Resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made, by leave, and question — That the Transport Legislation Amendment (Ports Integration) Bill 2010 be returned to the Legislative Council for their agreement as recommended by the Dispute Resolution Committee in its Resolution of 19 July 2010 and that a message be sent to the Legislative Council advising them accordingly (*Mr Batchelor*) — put and agreed to.

21 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Fundraising Act 1998 — Exemption Order under s 16A

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rule 47 (*Gazettes S262 and S267, 1 July 2010*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Parliamentary Committees Act 2003 — Government response to the Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C90
 Baw Baw — C76
 Boroondara — C102
 Brimbank — C106 Part 2, C106 Part 3, C135
 Cardinia — C114, C121
 Casey — C137

Corangamite — C18, C27
 Darebin — C68, C110, C116
 Glenelg — C53
 Greater Dandenong — C111, C123
 Greater Geelong — C213, C234
 Greater Shepparton — C75
 Hindmarsh — C8, C10
 Kingston — C112
 Knox — C70, C89, C91
 Manningham — C63
 Maribyrnong — C73 Part 2
 Mildura — C44
 Mitchell — C50, C65
 Monash — C110
 Moreland — C107
 Mornington Peninsula — C144, C159
 Nillumbik — C70
 Northern Grampians — C32
 Pyrenees — C25 Part 1
 Surf Coast — C50
 Towong — C21
 Warrnambool — C62, C63, C67, C74
 Whitehorse — C106, C137
 Wodonga — C77
 Yarra Ranges — C77

Planning and Environment Act 1987 — Urban Growth Boundary — Victoria Planning Provisions Amendment VC68, explanatory documents and maps

Statutory Rules under the following Acts:

Accident Compensation Act 1985 — SR 61
Accident Towing Services Act 2007 — SR 63
Building Act 1993 — SRs 50, 51
Children, Youth and Families Act 2005 — SRs 55, 67
Conservation, Forests and Lands Act 1987 — SR 58
Conveyancers Act 2006 — SR 46
Country Fire Authority Act 1958 — SR 66
Criminal Procedure Act 2009 — SR 55
Electricity Safety Act 1998 — SR 47
Fair Trading Act 1999 — SR 45
Forests Act 1958 — SR 57
Guardianship and Administration Act 1986 — SR 69
Heritage Act 1995 — SR 65
Land Acquisition and Compensation Act 1986 — SR 44
Magistrates' Court Act 1989 — SR 43
Mineral Resources (Sustainable Development) Act 1990 — SR 56
National Parks Act 1975 — SR 60
Residential Tenancies Act 1997 — SR 49
Road Safety Act 1986 — SR 52
Subordinate Legislation Act 1994 — SRs 48, 64
Supreme Court Act 1986 — SRs 53, 54, 55
Tobacco Act 1987 — SR 62
Victorian Civil and Administrative Tribunal Act 1998 — SR 68
Zoological Parks and Gardens Act 1995 — SR 59

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 43, 48, 50, 51, 53, 54, 55, 59, 64, 66, 68
 Ministers' exemption certificates in relation to Statutory Rules 41, 45, 52, 57, 58, 60
 Minister's infringements offence consultation certificates in relation to Statutory Rules 47, 56

Surveyor-General — Report 2009–10 on administration of the *Survey Co-ordination Act 1958*

Water Act 1989:

Abolition of Spring Hill Groundwater Supply Protection Area and Upper Loddon Water Supply Protection Area Order 2010
 Declaration of Loddon Highlands Water Supply Protection Area (Groundwater) Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Building Amendment Act 2010 — Part 2 (except ss 39 and 40 and ss 47 and 48) — 16 July 2010 (*Gazette G28, 15 July 2010*)

Consumer Affairs Legislation Amendment Act 2010 — Part 2, Part 3 (except ss 4(1), 12, 14 and 15), ss 28 and 29, Part 6, ss 47 and 63, and the remaining provisions of Part 10 (except ss 82, 107 and 108) — 1 August 2010 (*Gazette G29, 22 July 2010*)

Credit (Commonwealth Powers) Act 2010 — Remaining provisions of Part 3 (except s 20(2) and Division 15 of that Part) and Part 4 — 1 July 2010 (*Gazette G25, 24 June 2010*)

Education and Training Reform Amendment Act 2010 — Part 1, ss 4, 10, 44(1), 58, 59, 61 and Part 3 — 15 July 2010 (*Gazette G28, 15 July 2010*)

Education and Training Reform Further Amendment Act 2010 — Part 1, ss 4, 12, 15, 16, 20, 21, 22, 25 and Division 3 of Part 3 — 15 July 2010 (*Gazette G28, 15 July 2010*)

Energy and Resources Legislation Amendment Act 2009 — Sections 25 to 27, 29 and 42 — 30 June 2010 (*Gazette S255, 30 June 2010*)

Fair Trading Amendment (Unfair Contract Terms) Act 2010 — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

Health and Human Services Legislation Amendment Act 2010 — Part 1, ss 11 and 16 and Part 6 — 23 June 2010; Remaining provisions — 1 July 2010 (*Gazette S235, 23 June 2010*)

Justice Legislation Amendment Act 2010 — Section 5, Part 3, Part 5, the remaining provisions of Part 7 (except Divisions 2 and 7 of that Part) and Part 8 — 26 June 2010; Part 6 — 1 July 2010 (*Gazette G25, 24 June 2010*)

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010 — Remaining provisions (except Divisions 1 and 2 of Part 2) — 1 July 2010 (*Gazette G26, 1 July 2010*)

La Trobe University Act 2009 — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

Monash University Act 2009 — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Remaining provisions of Parts 2 and 3 and ss 42(1) and 42(4) — 29 June 2010 (*Gazette G25, 24 June 2010*); Remaining provisions of Part 4 — 1 July 2010 (*Gazette G26, 1 July 2010*)

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Whole Act (except ss 9, 10, 11, 12, 13, 16, 17 and 18) — 8 July 2010 (*Gazette G27, 8 July 2010*)

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Remaining provisions — 1 July 2010 (*Gazette S242, 25 June 2010*)

Radiation Amendment Act 2010 — Whole Act — 13 July 2010 (*Gazette G27, 8 July 2010*)

Royal Melbourne Institute of Technology Act 2010 — Whole Act — 1 September 2010 (*Gazette G25, 24 June 2010*)

Superannuation Legislation Amendment Act 2010 — Whole Act — 1 July 2010 (*Gazette G26, 1 July 2010*)

Transport Integration Act 2010 — Whole Act — 1 July 2010 (*Gazette S256, 30 June 2010*)

University of Ballarat Act 2010 — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

University of Melbourne Act 2009 — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

Victoria University Act 2010 — Whole Act — 1 September 2010 (*Gazette G25, 24 June 2010*).

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2010/2011) Bill 2010 without amendment.
- 23 **APPROPRIATION (2010/2011) BILL 2010 — APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — The Acting Speaker announced that on 30 June 2010, the Speaker had presented to the Governor, the Appropriation (2010/2011) Bill 2010 and the Appropriation (Parliament 2010/2011) Bill 2010 to which the Governor had been pleased to give the royal assent.
- 24 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 June 2010, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Pharmacy Regulation Bill 2010
Superannuation Legislation Amendment Bill 2010.
- 25 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Civil Procedure Bill 2010
Energy and Resources Legislation Amendment Bill 2010
Juries Amendment (Reform) Bill 2010
Primary Industries Legislation Amendment Bill 2010.
- 26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 July 2010:
- Associations Incorporation Amendment Bill 2010
Civil Procedure Bill 2010
Energy and Resources Legislation Amendment Bill 2010
Firearms and Other Acts Amendment Bill 2010
Juries Amendment (Reform) Bill 2010
Personal Safety Intervention Orders Bill 2010
Primary Industries Legislation Amendment Bill 2010
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 27 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 28 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.
- 29 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 30 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **CIVIL PROCEDURE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

Business having been interrupted at 10.00 pm under standing orders.

- 32 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.30 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 180 — Wednesday 28 July 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street, Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 89 signatures (*Mr Smith, Bass*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8 signatures (*Mrs Victoria*)

Great Alpine Road Upgrade — Requesting that the House ensures there is enough funding to have the Great Alpine Road upgraded from Bright to Harrietville to include a sealed shoulder, bearing 1151 signatures (*Dr Sykes*)

Alpine Health, Bright Campus — Requesting that the House requires the Government to take immediate action to work with Bright and District residents to redevelop the Bright campus of Alpine Health into an integrated healthcare facility to include residential aged care facilities, bearing 3795 signatures (*Dr Sykes*)

Ombudsman Act Amendment — Requesting that the House amends the *Ombudsman Act 1973* by deleting s 13(3)(ca) of the Act which excludes the Victorian Electoral Commission from being investigated by the Office of the State Ombudsman, bearing 18 signatures (*Mr Herbert*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 4 **PETITION — GREAT ALPINE ROAD UPGRADE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 5 **PETITION — ALPINE HEALTH, BRIGHT CAMPUS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 6 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

7 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Motion made, by leave, and question — That the Report 2009–10 of the Public Accounts and Estimates Committee be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into Manufacturing in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Portfolio Departments: Interim Results of the 2009–10 Audits — Ordered to be printed

Taking Action on Problem Gambling — Ordered to be printed

Duties Act 2000 — Reports 2009–10 of exemptions and refunds under ss 250B and 250DD (two documents)

Essential Services Commission — Review of Accident, Towing and Storage Fees (two documents).

- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Amendment (Electoral Participation) Bill 2010 without amendment.
- 9 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow:

- (1) A motion 'That the House takes note of the 2009 Victorian Bushfires Royal Commission Final Report, July 2010' to be moved on Tuesday 10 August 2010 immediately after question time;
- (2) Debate on the motion to be limited to a lead Government and non-Government speaker to each speak for no more than 20 minutes, a second Government and non-Government speaker to each speak for no more than 15 minutes, a further six Government and six non-Government speakers to each speak for no more than 10 minutes, and seven Government and eight non-Government speakers to each speak for no more than five minutes; and
- (3) The Chair to put the question on the motion following the last speaker specified in (2), or sooner if there is no further debate —

(*Mr Wynne*) — put, after debate, and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Electoral Matters Committee's Report on the Inquiry into the functions and administration of voting centres

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Economic Development and Infrastructure Committee's Report on the Inquiry into Manufacturing in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work.

13 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENT** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Victoria Planning Provisions Amendment VC68 be ratified (*Mr Wynne*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

Business having been interrupted at 2.00 pm under standing orders.

14 **QUESTIONS** — (Under SO 55).

15 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

16 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENT** — Order read for resuming debate on question — That under s 46AH of the *Planning and Environment Act 1987*, Victoria Planning Provisions Amendment VC68 be ratified; debate resumed.

Question — put and agreed to.

17 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 18 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 to 8 inclusive, be postponed until later this day.

- 20 **JURIES AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **PLANT BIOSECURITY BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Mr Helper made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 24 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 August 2010.
- 25 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Robinson*) — put and agreed to.
- Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 August 2010.
- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 27 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 181 — Thursday 29 July 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Mobile Phone Tower in Myrree** — Requesting that the House notes the need for a mobile phone tower to be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 85 signatures (*Dr Sykes*)
- Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 19 signatures (*Dr Sykes*)
- Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 14 signatures (*Dr Sykes*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 29 and 51 signatures (*Mrs Fyffe and Mr Northe respectively*)

Improved Rail Services for the Eastern Suburbs — Requesting that the House seeks a commitment from the Government to modify the Victorian Transport Plan to include — (a) a full and public feasibility study for heavy rail lines to Rowville and Doncaster; (b) a greater commitment to the extension of the rail tunnel from Domain to Caulfield; (c) a full and public feasibility study for an increase in capacity on the Belgrave/Lilydale and Glen Waverley lines; (d) improved passenger facilities; and (e) fully accessible public transport facilities and vehicles, bearing 2641 signatures (*Ms Lobato*)

Traffic Lights at Sacred Heart Primary School, Sandringham — Requesting that the House asks VicRoads and the City of Bayside to install traffic lights at the site of Sacred Heart Primary School in Bay Road, Sandringham, bearing 129 signatures (*Mr Thompson, Sandringham*)

Shepparton Alternate Route — Requesting that the House calls on the Government to immediately allocate funds for the Shepparton Alternate Route to — (a) widen the full length, including piping or filling drains on both sides; (b) construct turning lanes at high traffic intersections; and (c) provide warning signs, flashing lights and reduced speed limits at school start and finish times, bearing 189 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — SHEPPARTON ALTERNATE ROUTE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — TRAFFIC LIGHTS AT SACRED HEART PRIMARY SCHOOL, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 6 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

10 **DOCUMENTS**

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of inquiries into the deaths of children known to Child Protection 2010 be tabled (*Ms Neville*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to expressions of interest in the grant of a wagering and betting licence under s 10.2A.11 — Ordered to be printed

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into an allegation of improper conduct within RMIT's School of Engineering (TAFE) — Aerospace — Ordered to be printed.

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 August 2010 (*Ms Neville*) — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **CLIMATE CHANGE BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

14 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.

16 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

17 **QUESTIONS** — (Under SO 55).

18 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 27 July 2010 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time — put and agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **CIVIL PROCEDURE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 22 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **JURIES AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 25 **PRIVATE SECURITY AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

- 26 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Mr Holding made the statement of intention required by s 85(5)(c) of the Constitution Act 1975

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 28 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.02 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS 182, 183 and 184

No 182 — Tuesday 10 August 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **VICTORIAN BUSHFIRES ROYAL COMMISSION FINAL REPORT** — Motion made and question — That the House takes note of the 2009 Victorian Bushfires Royal Commission Final Report, July 2010 (*Mr Brumby*) — put, after debate, and agreed to.
- 4 **CONFISCATION AMENDMENT BILL 2010** — Mr Holding, on behalf of Mr Cameron, obtained leave to bring in a Bill '*for an Act to amend the **Confiscation Act 1997** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Mr Holding, on behalf of Mr Cameron, obtained leave to bring in a Bill '*for an Act to amend the **Children, Youth and Families Act 2005**, the **Coroners Act 2008**, the **Corrections Act 1986**, the **Country Fire Authority Act 1958**, the **County Court Act 1958**, the **Crimes Act 1958**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Emergency Management Act 1986**, the **Gambling Regulation Act 2003**, the **Gambling Regulation Further Amendment Act 2009**, the **Guardianship and Administration Act 1986**, the **Infringements Act 2006**, the **Interpretation of Legislation Act 1984**, the **Legal Profession Act 2004**, the **Liquor Control Reform Act 1998**, the **Magistrates' Court Act 1989**, the **Metropolitan Fire Brigades Act 1958**, the **Prostitution Control Act 1994**, the **Serious Sex Offenders (Detention and Supervision) Act 2009**, the **Supreme Court Act 1986**, the **Victims of Crime Assistance Act 1996**, the **Victorian Civil and Administrative Tribunal Act 1998**, and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Mr Holding obtained leave to bring in a Bill '*for an Act to provide for a national law to regulate the licensing of certain occupations and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Mr Pallas obtained leave to bring in a Bill '*for an Act to amend the **EastLink Project Act 2004**, the **Melbourne City Link Act 1995**, the **Road Management Act 2004**, the **Road Safety Act 1986** and to make amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **MARINE SAFETY BILL 2010** — Mr Pallas obtained leave to bring in a Bill '*for an Act to provide for safe marine operations in Victoria and to consequentially amend the **Marine Act 1988** and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the **Education and Training Reform Act 2006** in relation to vocational education and training and other matters and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

10 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Ms Pike, on behalf of Mr Robinson, obtained leave to bring in a Bill '*for an Act to amend the **Fair Trading Act 1999** to apply the Australian Consumer Law as a law of Victoria and to make consequential amendments to that Act and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

11 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Ms Pike, on behalf of Mr Robinson, obtained leave to bring in a Bill '*for an Act to amend the **Residential Tenancies Act 1997** in relation to certain occupier-owned movable dwellings, to provide for standards in rooming houses, to provide for a national residential tenancy database and to make other amendments to that Act, to make consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street, Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 19 signatures (*Mr Smith, Bass*)

Bus Service from Venus Bay to Wonthaggi — Requesting that the House and the Minister for Public Transport act immediately to offer a weekly bus service from Venus Bay, via Tarwin Lower, to Wonthaggi, bearing 447 signatures (*Mr Smith, Bass*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 8 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

13 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

14 **PETITION — BUS SERVICE FROM VENUS BAY TO WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

15 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **DOCUMENTS**

STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2009 to April 2010 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Andrews*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Annual Review 2009, Regulations 2009 from the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 11 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Bail Amendment Bill 2010
 Climate Change Bill 2010
 Consumer Affairs Legislation Amendment (Reform) Bill 2010
 Control of Weapons Amendment Bill 2010
 Liquor Control Reform Amendment Bill 2010
 Local Government and Planning Legislation Amendment Bill 2010
 Mineral Resources Amendment (Sustainable Development) Bill 2010
 Personal Property Securities (Statute Law Revision and Implementation) Bill 2010
 Personal Safety Intervention Orders Bill 2010
 Plant Biosecurity Bill 2010
 Private Security Amendment Bill 2010
 Subordinate Legislation Amendment Bill 2010
 Superannuation Legislation Amendment Bill 2010
 Tourist and Heritage Railways Bill 2010
 Traditional Owner Settlement Bill 2010
 Transport Accident and Accident Compensation Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Graley presented a report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009, together with an appendix, a minority report and an extract from the proceedings.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Bushfires Royal Commission (Report) Act 2009 — 2009 Victorian Bushfires Royal Commission Final Report, July 2010 (five documents and CD) — Ordered to be printed

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Sandringham Beach Park Reserve

Melbourne Cricket Ground Trust — Report year ended 31 March 2010

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

East Gippsland — C68, C85
 Horsham — C50
 Hume — C124
 Maroondah — C105
 South Gippsland — C46
 Victoria Planning Provisions — VC66, VC69
 Wellington — C53 Part 1, C60

Statutory Rules under the following Acts:

Electronic Transactions (Victoria) Act 2000 — SR 70
Victorian Civil and Administrative Tribunal Act 1998 — SR 73

Water Act 1989 — SRs 71, 72

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 73

Ministers' exemption certificates in relation to Statutory Rules 62, 69

Water Act 1989 — Koo Wee Rup Water Supply Protection Area Groundwater Management Plan under s 32A.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Control of Weapons Amendment Bill 2010 without amendment.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Severe Substance Dependence Treatment Bill 2009 without further amendment.

19 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 3 August 2010

Electoral Amendment (Electoral Participation) Bill 2010

On 10 August 2010

Control of Weapons Amendment Bill 2010

Severe Substance Dependence Treatment Bill 2009.

20 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Climate Change Bill 2010

Consumer Affairs Legislation Amendment (Reform) Bill 2010

Liquor Control Reform Amendment Bill 2010

Plant Biosecurity Bill 2010

Private Security Amendment Bill 2010

Traditional Owner Settlement Bill 2010

Transport Accident and Accident Compensation Legislation Amendment Bill 2010.

21 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow the matter of public importance due on Wednesday 11 August 2010 to be omitted from the order of business on that day, and on Wednesday 1 September 2010 and Wednesday 6 October 2010 the matters of public importance due to be proposed under SO 39 to be proposed by the Opposition (*Mr Andrews*) — put, after debate, and agreed to.

22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 12 August 2010:

Climate Change Bill 2010

Consumer Affairs Legislation Amendment (Reform) Bill 2010

Liquor Control Reform Amendment Bill 2010

Local Government and Planning Legislation Amendment Bill 2010

Mineral Resources Amendment (Sustainable Development) Bill 2010

Plant Biosecurity Bill 2010

Private Security Amendment Bill 2010

Traditional Owner Settlement Bill 2010

(*Mr Andrews*) — put, after debate, and agreed to.

- 23 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.
- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.11 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 183 — Wednesday 11 August 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 25 signatures (*Mr Crisp*).
- Ordered to be tabled.
- 3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Local Government: Interim Results of the 2009–10 Audits — Ordered to be printed
 Water Entities: Interim Results of the 2009–10 Audits — Ordered to be printed
- Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB
- Ombudsman, Office of — Report 2009–10 — Part 1 — Ordered to be printed.
- The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:
- Therapeutic Goods (Victoria) Act 2010* — Whole Act — 3 August 2010 (*Gazette S306, 3 August 2010*).
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009

Electoral Matters Committee's Report on the Inquiry into functions and administration of voting centres

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne.

- 7 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders' (*Mr Clark*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 8 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

Business having been interrupted at 2.00 pm under standing orders.

- 9 **QUESTIONS** — (Under SO 55).

- 10 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 11 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Hennessy*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this 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 the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders'; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Wynne*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.18 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 184 — Thursday 12 August 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Traffic Lights in Bulleen — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 313 signatures (*Mr Kotsiras*)

Train Service Needs for Mildura — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 30 signatures (*Mr Crisp*)

New Street Railway Gates — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 39 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

5 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 DOCUMENTS

PRIVILEGES COMMITTEE — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Ms Arnie Azaris, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

PRIVILEGES COMMITTEE — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Ms Julianne Bell, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Police Integrity, Office of — Complaint Investigation Report — Ordered to be printed

Victorian Law Reform Commission — Surveillance in Public Places — Ordered to be printed.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 31 August 2010 (*Ms Neville*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

10 **CLIMATE CHANGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).
- 12 **CLIMATE CHANGE BILL 2010** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to enact a legislative scheme relating to tourist and heritage railway operators and for other purposes*'.
- On the motion of Mr Pallas, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Domestic Animals Amendment (Dangerous Dogs) Bill 2010 without amendment.
- 15 **PRIVATE SECURITY AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Ports Integration) Bill 2010 as recommended by the Dispute Resolution Committee.
- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.
- 18 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **CLIMATE CHANGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Associations Incorporation Amendment Bill 2010 with amendments.
- Ordered — That the amendments be taken into consideration later this day.
- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Amendment Bill 2010 without amendment.

- 22 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 August 2010 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this 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 the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Grale; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Howard; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 27 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time — put and agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 28 **PRIVATE SECURITY AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 29 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 13 inclusive, be postponed until later this day.
- 30 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 31 **CONFISCATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 32 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 33 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Primary Industries Legislation Amendment Bill 2010
Civil Procedure Bill 2010.

- 34 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 35 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 36 **MARINE SAFETY BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Pallas*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ingram*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 29

Mr Andrews; Ms Barker; Mr Batchelor; Mr Brooks; Mr Cameron; Ms Campbell; Ms D'Ambrosio; Mr Donnellan; Mr Foley; Ms Graley; Dr Harkness; Ms Hennessy; Ms Kairouz; Mr Langdon; Mr Lupton; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 9

Mr Clark; Mr Ingram; Mr McIntosh; Mr Morris; Dr Naphthine; Mrs Powell; Mr Thompson (*Sandringham*); Mr Weller; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 37 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 15 be postponed until later this day.
- 38 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 39 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 40 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 41 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 42 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 10.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 185, 186 and 187

No 185 — Tuesday 31 August 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that she had, on 25 August 2010, received the resignation of the Member for Ivanhoe.
- 3 **DEATH OF THE HONOURABLE JAMES HARLEY KENNAN, SC** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable James Harley Kennan, SC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of Thomastown from 1982 to 1988 and Member of the Legislative Assembly for the Electoral District of Broadmeadows from 1988 to 1993, Attorney-General from 1983 to 1987 and 1990 to 1992, Minister for Planning and Environment and Minister responsible for Aboriginal Affairs from 1986 to 1987, Minister for Transport from 1987 to 1990, Deputy Premier and Minister for the Arts from 1990 to 1992, Minister for Major Projects from 1991 to 1992, Deputy Leader of the Opposition from 1992 to 1993 and Leader of the Opposition in 1993 (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable James Harley Kennan, SC, the House now adjourns until tomorrow (*Mr Brumby*) — put and agreed to.

And the House, at 3.53 pm adjourned until tomorrow at 9.30 am.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 186 — Wednesday 1 September 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to establish the Judicial Commission of Victoria and to amend the **Children, Youth and Families Act 2005**, the **Constitution Act 1975**, the **Coroners Act 2008**, the **County Court Act 1958**, the **Magistrates' Court Act 1989**, the **Supreme Court Act 1986** and the **Victorian Civil and Administrative Tribunal Act 1998**, to repeal the **Judicial College of Victoria Act 2001** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **FIRE SERVICES COMMISSIONER BILL 2010** — Mr Cameron obtained leave to bring in a Bill '*for an Act to establish the statutory position of the Fire Services Commissioner and to make related amendments to the **Emergency Management Act 1986**, the **Country Fire Authority Act 1958**, the*

Forests Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Ms Morand, on behalf of Mr Pallas, obtained leave to bring in a Bill *'for an Act to amend the Road Safety Act 1986 to make further provision regarding the impoundment, immobilisation and forfeiture of motor vehicles, to amend the Melbourne City Link Act 1995 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Ms Morand obtained leave to bring in a Bill *'for an Act to provide for a National Law to regulate education and care services for children and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Myki Cards for Seniors — Requesting that the House resolves that the Minister for Public Transport directs the Transport Ticketing Authority to distribute free myki cards to Victorians over 60 as promised and without delay, bearing 984 signatures (*Mrs Victoria*)

Prostate Screening Program — Requesting that the House immediately takes the necessary steps to introduce prostate screening programs for men over 50, bearing 6140 signatures (*Mr Nardella*)

Melbourne–Mildura Train Line — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 12 signatures (*Mr Crisp*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 20 and 19 signatures (*Mr Northe and Mr Walsh respectively*)

Rupanyup Speed Limit — Requesting that the House requires VicRoads to immediately adjust the speed limit on the Rupanyup town centre section of the Wimmera Highway to 50 km per hour, bearing 158 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

7 **PETITION — MYKI CARDS FOR SENIORS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

8 **PETITION — PROSTATE SCREENING PROGRAM** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.

9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 DOCUMENTS

PARTNERSHIPS VICTORIA PROJECT SUMMARY: ARARAT PRISON PROJECT — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Ararat Prison Project be tabled (*Mr Cameron*) — put and agreed to.

LAW REFORM COMMITTEE — Mr Clark presented a report from the Law Reform Committee on the Inquiry into Powers of Attorney, together with appendices, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices and extract from the proceedings printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 12 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Bail Amendment Bill 2010
 Confiscation Amendment Bill 2010
 Education and Training Reform Amendment (Skills) Bill 2010
 Fair Trading Amendment (Australian Consumer Law) Bill 2010
 Firearms and Other Acts Amendment Bill 2010
 Juries Amendment (Reform) Bill 2010
 Justice Legislation Further Amendment Bill 2010
 Marine Safety Bill 2010
 Occupational Licensing National Law Bill 2010
 Personal Property Securities (Statute Law Revision and Implementation) Bill 2010
 Primary Industries Legislation Amendment Bill 2010
 Private Security Amendment Bill 2010
 Residential Tenancies Amendment Bill 2010
 Road Legislation Miscellaneous Amendments Bill 2010

together with appendices.

Ordered to be tabled and printed.

EDUCATION AND TRAINING COMMITTEE — Mr Kotsiras presented an interim report from the Education and Training Committee on the Inquiry into the Administration of the Federal Government's Building the Education Revolution Program in Victoria, together with appendices.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009 — Further Considerations, together with appendices, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and printed.

ROAD SAFETY COMMITTEE — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into Federal-State Road Funding Arrangements, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

RURAL AND REGIONAL COMMITTEE — Mr Nardella presented a report from the Rural and Regional Committee on the Inquiry into Positioning the Wimmera Mallee Pipeline Region to Capitalise on new Economic Development Opportunities, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Business Continuity Management in Local Government — Ordered to be printed
 Public Hospitals: Interim Results of the 2009–10 Audits — Ordered to be printed
 Sustainable Farm Families Program — Ordered to be printed

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Darling Gardens Reserve

Orders under s 17D granting leases over:

Esplanade Public Park Reserve
 Lorne Foreshore Reserve
 Sandringham Beach Park Reserve

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the Report 2009–10 of the Victorian Broiler Industry Negotiation Committee

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Ombudsman, Office of — Report 2009–10 — Part II — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Environment and Natural Resources Committee's Report on the Inquiry into Approval Processes for Renewable Energy Projects in Victoria

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C67, C74
 Bass Coast — C88, C101
 Cardinia — C143, C144
 Casey — C116, C135, C138
 Frankston — C38
 French Island and Sandstone Island — C4
 Glen Eira — C68, C73
 Greater Geelong — C60, C159, C178, C201, C227, C229
 Hume — C125, C127, C131, C140
 Melbourne — C166
 Melton — C71, C83, C102
 Monash — C101
 Moonee Valley — C94
 Moorabool — C56
 Moreland — C116
 Mount Alexander — C43
 Stonnington — C91, C101, C103

Surf Coast — C48, C62
 Whitehorse — C117
 Whittlesea — C109
 Wyndham — C78, C132, C136, C138, C139

Professional Standards Act 2003 — The New South Wales Bar Association Scheme under s 14
 (*Gazette G33, 19 August 2010*)

Statutory Rules under the following Acts:

Assisted Reproductive Treatment Act 2008 — SR 74
Cemeteries and Crematoria Act 2003 — SR 75
Health Services Act 1988 — SR 76
Non-Emergency Patient Transport Act 2003 — SR 78
Public Health and Wellbeing Act 2008 — SR 79
Residential Tenancies Act 1997 — SR 77
Road Safety Act 1986 — SR 80

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules
 46, 71, 72, 74, 75, 76, 77, 78, 79, 80

Water Act 1989:

Abolition of King Parrot Creek Catchment Water Supply Protection Area Order 2010
 Abolition of Yea River Catchment Water Supply Protection Area Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Control of Weapons Amendment Act 2010 — Whole Act (other than sections 6 and 22) — 22 August 2010; Section 6 — 1 January 2011 (*Gazette G33, 19 August 2010*)
Electoral Amendment (Electoral Participation) Act 2010 — Whole Act — 20 August 2010 (*Gazette G33, 19 August 2010*)
Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009 — Whole Act — 20 August 2010 (*Gazette G33, 19 August 2010*)
Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Sections 9, 10, 11, 12, 13, 16, 17 and 18 — 21 August 2010 (*Gazette G33, 19 August 2010*)
Pharmacy Regulation Act 2010 — Whole Act (except Division 2 of Part 8) — 24 August 2010 (*Gazette G32, 12 August 2010*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Firearms and Other Acts Amendment Bill 2010
 Supported Residential Services (Private Proprietors) Bill 2010
 Water Amendment (Victorian Environmental Water Holder) Bill 2010.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Licensing) Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy and Resources Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 15 **BAIL AMENDMENT BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to amend the **Bail Act 1977** and the **Magistrates' Court Act 1989** and for other purposes*'.

On the motion of Mr Hulls, the Bill was read a first time and ordered to be read a second time tomorrow.

- 16 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to revise the statute law of Victoria as a consequence of the enactment of the **Personal Property Securities (Commonwealth Powers) Act 2009**, to provide for the implementation of that Act and for other purposes*'.

On the motion of Mr Hulls, the Bill was read a first time and ordered to be read a second time tomorrow.

- 17 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to amend the **Subordinate Legislation Act 1994** to extend the application of certain provisions of that Act to legislative instruments, to make other amendments to that Act, to consequentially amend other Acts and for other purposes*'.

On the motion of Mr Brumby, the Bill was read a first time and ordered to be read a second time tomorrow.

- 18 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 17 August 2010

Domestic Animals Amendment (Dangerous Dogs) Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010

On 24 August 2010

Associations Incorporation Amendment Bill 2010

Civil Procedure Bill 2010

Primary Industries Legislation Amendment Bill 2010

Supported Residential Services (Private Proprietors) Bill 2010

Water Amendment (Victorian Environmental Water Holder) Bill 2010

Working with Children Amendment Bill 2010.

- 19 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Confiscation Amendment Bill 2010

Fair Trading Amendment (Australian Consumer Law) Bill 2010

Justice Legislation Further Amendment Bill 2010

Marine Safety Bill 2010

Occupational Licensing National Law Bill 2010

Residential Tenancies Amendment Bill 2010.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 September 2010:

Confiscation Amendment Bill 2010
 Education and Training Reform Amendment (Skills) Bill 2010
 Justice Legislation Further Amendment Bill 2010
 Marine Safety Bill 2010
 Occupational Licensing National Law Bill 2010
 Residential Tenancies Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT RESPONSE TO BUSHFIRES ROYAL COMMISSION RECOMMENDATIONS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for its failure to adopt all of the 67 recommendations of the Bushfires Royal Commission.'

Mr Ryan addressed the House — Discussion followed.

23 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009 — Further Considerations

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Road Safety Committee's Report on the Inquiry into Federal-State Road Funding Arrangements.

Business having been interrupted at 2.00 pm under standing orders.

24 **QUESTIONS** — (Under SO 55).

25 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements resumed on Committee Reports.

26 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wynne announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

27 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 29 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms D'Ambrosio announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Dr Naphthine announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Trezise*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr Dixon announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Graley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Carli*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

33 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

THURSDAY 2 SEPTEMBER 2010

The Acting Speaker left the Chair, after debate, at 12.04 am.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 187 — Thursday 2 September 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Traffic Lights in Epping — Requesting that the House installs traffic lights at the intersection of High Street, Epping Road, Findon Road and O'Herns Road in Epping to improve safety and ease congestion, bearing 1352 signatures (*Ms Green*).

Ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN EPPING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

4 **DOCUMENTS**

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Soil Carbon Sequestration in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Statutory Rules under the following Acts:

Building Act 1993 — SR 82

Mental Health Act 1986 — SR 81

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 81, 82

Water Act 1989 — Warrion Water Supply Protection Area Groundwater Management Plan under s 32.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 14 September 2010 (*Mr Batchelor*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

9 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

10 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Trezise*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

12 **QUESTIONS** — (Under SO 55).

13 **MARINE SAFETY BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 979–80*).

Allocation of time — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 1 September 2010 had expired.*

Question — That clause 56 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That clauses 57 to 72 inclusive stand part of the bill, the Schedule and Government amendment Nos 5 to 18 inclusive be agreed to, the Bill be agreed to as amended and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 29 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 19 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Personal Safety Intervention Orders Bill 2010 without amendment.

- 21 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 22 **JUDICAL COMMISSION OF VICTORIA BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 September 2010.

- 23 **FIRE SERVICES COMMISSIONER BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 15 September 2010.

- 24 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 15 September 2010.

- 25 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — *Ms Morand tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Morand*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 September 2010.

- 26 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 27 **BAIL AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 28 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Liquor Control Reform Amendment Bill 2010

Local Government and Planning Legislation Amendment Bill 2010

Plant Biosecurity Bill 2010.

- 29 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 30 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

32 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 185, 186 and 187

No 187 — Thursday 2 September 2010

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010

Clause 1, Ms Pike moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 2 to 20 agreed to.

Clause 21, Ms Pike moved amendment No 2 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 22 to 32 agreed to.

Heading to Clause 33, Ms Pike moved amendment No 3 (*see Schedule*).

Amendment put and agreed to.

Heading to Clause agreed to as amended.

Clauses 33 to 48 agreed to.

Heading to Clause 49, *The Deputy Speaker advised that, if Mr Dixon's amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.*

Mr Dixon moved amendment No 1 (*see Schedule*).

Amendment put and defeated.

Heading to Clause agreed to.

Clause 49 agreed to.

Part 3, New Division 9 Heading, Ms Pike moved amendment No 4 (*see Schedule*).

New Heading agreed to and added to the bill.

Clauses 50 to 55 agreed to.

Clause 56 — debate commenced.

Allocation of time — the Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 1 September 2010 had expired (for remaining stages see p 975).

SCHEDULE OF AMENDMENTS MOVED

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010

Amendments moved by Ms Pike

1. Clause 1, page 2, after line 20 insert—
 - "() to enable the Victorian Registration and Qualifications Authority to apply to the Supreme Court for an order that a registered training organisation be placed under judicial administration;".
2. Clause 21, line 21, omit "(1)".
3. Clause heading to clause 33, omit "**4.6AC**" and insert "**4.6A.5C**".
4. Page 66, after line 31 insert the following heading—

"Division 9—Reserve step-in powers".

Amendment moved by Mr Dixon

1. Clause heading to clause 49, omit "**Schedule 5**" and insert "**regulation-making powers**".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 188, 189 and 190

No 188 — Tuesday 14 September 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **BY-ELECTION FOR THE ELECTORAL DISTRICT OF IVANHOE** — The Speaker announced that:
 - (1) On 13 September 2010 she issued a writ for a by-election for the Electoral District of Ivanhoe to be held on 6 November 2010.
 - (2) Today she issued a writ of supersedeas to direct that the conduct of the by-election cease and to revoke the by-election writ.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Improved Rail Services for the Eastern Suburbs — Requesting that the House seeks a commitment from the Government to modify the Victorian Transport Plan to include — (a) a full and public feasibility study for heavy rail lines to Rowville and Doncaster; (b) a greater commitment to the extension of the rail tunnel from Domain to Caulfield; (c) a full and public feasibility study for an increase in capacity on the Belgrave/Lilydale and Glen Waverley lines; (d) improved passenger facilities; and (e) fully accessible public transport facilities and vehicles, bearing 10883 signatures (*Ms Lobato*)

Melbourne–Mildura Passenger Train Service — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 64 signatures (*Mr Crisp*)

Geelong Geothermal Power Project — Requesting that the House not allow any geothermal development to proceed in the Gherang and Wensleydale communities or any other populated area in the state, bearing 142 signatures (*Mr Mulder*)

New Street Railway Gates — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 6 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.
- 5 **PETITION — IMPROVED RAIL SERVICES FOR THE EASTERN SUBURBS** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.
- 6 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — GEELONG GEOTHERMAL POWER PROJECT** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Brooks presented the Alert Digest No 13 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Education and Care Services National Law Bill 2010
 Fire Services Commissioner Bill 2010
 Government (Political) Advertising Bill 2010
 Judicial Commission of Victoria Bill 2010
 Marine Safety Bill 2010
 Road Safety Amendment (Hoon Driving) Bill 2010
 Traditional Owner Settlement Bill 2010
 Transport Accident and Accident Compensation Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agricultural Industry Development Act 1990 — Order under s 8

Agriculture Victoria Services Pty Ltd — Report 2009–10

Audit Act 1994 — Report on the Performance Audit of the Victorian Auditor-General and Victorian Auditor-General's Office, August 2010

Crown Land (Reserves) Act 1978:

Determination under s 17CA giving notice of intention to grant a lease over Albert Park Reserve
 Order under s 17D granting a lease over Albert Park Reserve

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the reports 2009–10 of:

Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Environment and Climate Change that he had received the Report 2009–10 of the Alpine Resorts Co-ordinating Council

Geoffrey Gardiner Dairy Foundation Ltd — Report 2009–10 (two documents)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 86 (*Gazette S358, 3 September 2010*)

Major Sporting Events Act 2009 — Major sporting event order under s 22

Primary Industries, Department of — Report 2009–10

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Cardinia — C141, C148
 Frankston — C48
 Golden Plains — C48, C49, C56
 Greater Dandenong — C106
 Knox — C79
 Melton — C97
 Morning Peninsula — C129
 Stonnington — C75
 Victoria Planning Provisions — VC73

Recreational Fishing Licence Trust Account — Report 2009–10 on the disbursement of Revenue

Road Management Act 2004 — Code of Practice for Worksite Safety — Traffic Management

Statutory Rules under the following Acts:

Corporations (Ancillary Provisions) Act 2001 — SR 83
Court Security Act 1980 — SR 85
Electricity Safety Act 1998 — SR 86
Supreme Court Act 1986 — SR 83
Victims of Crime Assistance Act 1996 — SR 84

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rules 67, 83, 84
 Ministers' exemption certificates in relation to Statutory Rules 85, 86

VicForests — Report 2009–10.

The following proclamation fixing operative dates was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Domestic Animals Amendment (Dangerous Dogs) Act 2010 — Whole Act (except s 17) — 1 September 2010; s 17 — 1 January 2011 (*Gazette S354, 31 August 2010*).

9 **BY-ELECTION FOR THE ELECTORAL DISTRICT OF IVANHOE** — The Speaker announced that today the Victorian Electoral Commissioner returned the writ of supersedeas advising that he had ceased to conduct the by-election for the Electoral District of Ivanhoe.

10 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Climate Change Bill 2010
 Mineral Resources Amendment (Sustainable Development) Bill 2010
 Private Security Amendment Bill 2010.

11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Consumer Affairs Legislation Amendment (Reform) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 12 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 7 September 2010
Firearms and Other Acts Amendment Bill 2010
Personal Safety Intervention Orders Bill 2010

On 14 September 2010
Climate Change Bill 2010
Energy and Resources Legislation Amendment Bill 2010
Gambling Regulation Amendment (Licensing) Bill 2010
Liquor Control Reform Amendment Bill 2010
Local Government and Planning Legislation Amendment Bill 2010
Mineral Resources Amendment (Sustainable Development) Bill 2010
Plant Biosecurity Bill 2010
Private Security Amendment Bill 2010.

- 13 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Education and Care Services National Law Bill 2010
Fire Services Commissioner Bill 2010
Judicial Commission of Victoria Bill 2010.

- 14 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 2 September 2009 providing that the Drugs and Crime Prevention Committee be required to present its report, on the impact of drug-related offending on female prisoner numbers, to the Parliament no later than 31 August 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010 (*Mr Batchelor*) — put and agreed to.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 September 2010:

Education and Care Services National Law Bill 2010
Fair Trading Amendment (Australian Consumer Law) Bill 2010
Fire Services Commissioner Bill 2010
Judicial Commission of Victoria Bill 2010
Road Legislation Miscellaneous Amendments Bill 2010
Road Safety Amendment (Hoon Driving) Bill 2010
Transport Accident and Accident Compensation Legislation Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Helper announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

- 20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 189 — Wednesday 15 September 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Bus Service in Kilsyth — Requesting that the House calls upon the Government to fund a bus service along Colchester Road, Kilsyth (Route AF) as per the Recommendations Report for the Metropolitan Bus Service Reviews: Knox/Maroondah/Yarra Ranges, bearing 460 signatures (*Mr Hodgett*)

Traffic Lights Upgrade on Bayswater Road and Eastfield Road — Requesting that the House asks the Government to install a right turning arrow on the corner of the Bayswater Road and Eastfield Road intersection in the Croydon area, bearing 86 signatures (*Mr Hodgett*)

Melbourne–Mildura Passenger Train Service — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 66 signatures (*Mr Crisp*)

Liquor Licence Fees — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 17 signatures (*Mr Jasper*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 12 signatures (*Mr Jasper*)

Noxious Weed Control — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 18 signatures (*Mr Jasper*)

Traffic Lights in Epping Area — Requesting that the House installs traffic lights at the intersection of High Street, Epping Road, Findon Road and O'Herns Road, Epping, bearing 8 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — BUS SERVICE IN KILSYTH** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

5 **PETITION — TRAFFIC LIGHTS UPGRADE ON BAYSWATER ROAD AND EASTFIELD ROAD** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

6 DOCUMENTS

CONSUMER UTILITIES ADVOCACY CENTRE — Motion made, by leave, and question — That the Consumer Utilities Advocacy Centre Report 2009–10 be tabled (*Mr Batchelor*) — put and agreed to.

PARLIAMENTARY DEPARTMENTS REPORTS — Motion made, by leave, and question — That the Reports 2009–10 of the Department of the Legislative Assembly and the Department of Parliamentary Services be tabled (*Ms Barker*) — put and agreed to.

EDUCATION AND TRAINING COMMITTEE — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into the Potential for Developing Opportunities for Schools to Become a Focus for Promoting Healthy Community Living, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

LAW REFORM COMMITTEE — Mr Clark, Deputy Chair, presented an interim report from the Law Reform Committee on the Inquiry into access by donor-conceived people to information about donors, together with an appendix.

Ordered to be tabled and printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult, Community and Further Education Board — Report 2009–10

Auditor-General:

Delivery of NURSE-ON-CALL — Ordered to be printed

Management of Prison Accommodation Using Public Private Partnerships — Ordered to be printed

CenITex — Report 2009–10

Corangamite Catchment Management Authority — Report 2009–10

East Gippsland Catchment Management Authority — Report 2009–10

Emergency Services Superannuation Board — Report 2009–10

Energy Safe Victoria — Report 2009–10

Film Victoria — Report 2009–10

Financial Management Act 1994 — Financial Report for the State of Victoria 2009–10, incorporating the Quarterly Financial Report No 4 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the reports 2009–10 of:

Murray Valley Citrus Board

Victorian Strawberry Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the reports 2009–10 of:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Regional Waste Management Group

South West Regional Waste Management Group

Surveyors Registration Board of Victoria

Reports from the Minister for Planning that he had received the reports 2009–10 of:

Dandenong Development Board

Heritage Council of Victoria

Reports from the Minister for Public Transport that he had received the reports 2009–10 of:

Rolling Stock (VL-1) Pty Ltd

Rolling Stock (VL-2) Pty Ltd

Rolling Stock (VL-3) Pty Ltd

Report from the Minister for Veterans' Affairs that he had received the Report 2009–10 of the Victorian Veterans Council

Glenelg Hopkins Catchment Management Authority — Report 2009–10

Goulburn Broken Catchment Management Authority — Report 2009–10

Justice, Department of — Report 2009–10

Mallee Catchment Management Authority — Report 2009–10

Melbourne and Olympic Parks Trust — Report 2009–10

Melbourne Market Authority — Report 2009–10

National Parks Act 1975 — Report 2009–10 on the working of the Act

National Parks Advisory Council — Report 2009–10

North Central Catchment Management Authority — Report 2009–10

North East Catchment Management Authority — Report 2009–10

Parliamentary Contributory Superannuation Fund — Report 2009–10

Phillip Island Nature Park — Report 2009–10

Port Phillip and Westernport Catchment Management Authority — Report 2009–10

Residential Tenancies Bond Authority — Report 2009–10

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2009–10

Rolling Stock (Victoria-VL) Pty Ltd — Report 2009–10

Royal Botanic Gardens Board — Report 2009–10

State Sport Centres Trust — Report 2009–10

Trust for Nature (Victoria) — Report 2009–10

Victorian Catchment Management Council — Report 2009–10

Victorian Coastal Council — Report 2009–10

Victorian Commission for Gambling Regulation — Report 2009–10

Victorian Curriculum and Assessment Authority — Report 2009–10

Victorian Environmental Assessment Council — Report 2009–10

Victorian Institute of Teaching — Report 2009–10

Victorian Rail Track — Report 2009–10

Victorian Registration and Qualifications Authority — Report 2009–10

Victorian Skills Commission — Report 2009–10

VITS Languagelink — Report 2009–10

West Gippsland Catchment Management Authority — Report 2009–10

Wimmera Catchment Management Authority — Report 2009–10.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Traditional Owner Settlement Bill 2010 without amendment.

8 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended on Thursday 7 October 2010, so as to allow business to be interrupted immediately after question time to enable:

- (1) Valedictory statements from retiring members, including the opportunity for the Premier to make a statement on behalf of the Member for Ballarat West.
- (2) Statements from the Premier, Deputy Premier, Leader of the Opposition and Leader of the Nationals.
- (3) The time limit for statements to be 10 minutes each.
- (4) Any business under discussion at the time of interruption and not completed will be resumed immediately after the statements. Any member speaking at the time of the interruption may then continue his or her speech —

(*Mr Batchelor*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009 — Further Considerations

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009

Education and Training Committee's Report on the Inquiry into the Potential for Developing Opportunities for Schools to become a focus for Promoting Healthy Community Living

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Road Safety Committee's Report on the Inquiry into Federal-State Funding Arrangements

Education and Training Committee's Report on the Inquiry into the Administration of the Federal Government's Building the Education Revolution Program in Victoria

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008.

12 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 1005, 1008*).

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time. Mr Ingram asked that his dissent be recorded.

Bill considered in detail and agreed to with amendments, read a third time (*see pp 1006, 1009*).

Bill sent to the Legislative Council and their agreement requested.

15 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

16 **FIRE SERVICES COMMISSIONER BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **GOVERNMENT (POLITICAL) ADVERTISING BILL 2010** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to prevent the Government misusing taxpayers money on political advertising and so-called information campaigns by Government Departments and Authorities especially during election periods*'.

Motion made and question — That this Bill be now read a first time (*Mr McIntosh*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 43

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

Question defeated.

- 18 **FIRE SERVICES COMMISSIONER BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **CARDINIA PLANNING SCHEME** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Amendment C141 to the Cardinia Planning Scheme be ratified (*Mr Wynne*) — put, after debate, and agreed to.

- 20 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Ms Pike*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.30 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 190 — Thursday 16 September 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — Ms Neville obtained leave to bring in a Bill '*for an Act to establish a scheme for portability of long service leave for employees carrying out particular community service activities*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pedestrian Crossing in Graham Street, Wonthaggi — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 29 signatures (*Mr Smith, Bass*)

Traffic Lights in Wantirna South — Requesting that the House resolves that the Minister for Roads and Ports, in conjunction with VicRoads, undertakes an immediate review of the intersection of Coleman Road, Stud Road and Harold Street in Wantirna South including consideration of a right turning arrow, bearing 705 signatures (*Mrs Victoria*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 32 signatures (*Mrs Fyffe*)

Melbourne–Mildura Passenger Train Service — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 40 signatures (*Mr Crisp*)

Mordialloc Creek — Requesting that the House takes immediate and ongoing action to improve the environmental health of Mordialloc Creek and commits to consultation and joint management with the community, bearing 1961 signatures (*Mr Thompson, Sandringham*)

Shepparton Alternate Route — Requesting that the House calls on the Government to immediately allocate funds for the Shepparton Alternate Route to — (a) widen the full length, including piping or filling drains on both sides; (b) construct turning lanes at high traffic intersections; and (c) provide warning signs, flashing lights and reduced speed limits at school start and finish times, bearing 653 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

5 **PETITION — MORDIALLOC CREEK** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

6 **PETITION — TRAFFIC LIGHTS IN WANTIRNA SOUTH** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

7 **PETITION — SHEPPARTON ALTERNATE ROUTE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

8 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

10 **DOCUMENTS**

OFFICE OF THE PUBLIC ADVOCATE — Motion made, by leave, and question — That the Office of the Public Advocate Report 2009–10 be tabled (*Mr Batchelor*) — put and agreed to.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part Three, together with appendices and an extract from the proceedings.

Ordered to be tabled and printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into State Government Taxation and Debt, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

County Court of Victoria — Report 2008–09

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2009–10

Adult Parole Board — Report 2009–10

Alexandra District Hospital — Report 2009–10

Alfred Health — Report 2009–10

Alpine Health — Report 2009–10

Austin Health — Report 2009–10

Australian Centre for the Moving Image — Report 2009–10

Australian Grand Prix Corporation — Report 2009–10

Bairnsdale Regional Health Service — Report 2009–10 (two documents)

Ballarat Health Services — Report 2009–10

Barwon Health — Report 2009–10

Barwon Region Water Corporation — Report 2009–10

Bass Coast Regional Health — Report 2009–10

Beaufort and Skipton Health Service — Report 2009–10

Beechworth Health Service — Report 2009–10

Benalla and District Memorial Hospital — Report 2009–10

Bendigo Health Care Group — Report 2009–10

Boort District Hospital — Report 2009–10

Building Commission — Report 2009–10

Calvary Health Care Bethlehem Ltd — Report 2009–10

Casterton Memorial Hospital — Report 2009–10

Castlemaine Health — Report 2009–10

Central Gippsland Health Service — Report 2009–10

Central Gippsland Region Water Corporation — Report 2009–10

Central Highlands Region Water Corporation — Report 2009–10

Cheltenham and Regional Cemeteries Trust — Report period ended 28 February 2010

Child Safety Commissioner — Report 2009–10

City West Water Ltd — Report 2009–10

Cobram District Health — Report 2009–10

Cohuna District Hospital — Report 2009–10

Colac Area Health — Report 2009–10

Coliban Region Water Corporation — Report 2009–10

Commissioner for Law Enforcement and Data Security, Office of — Report 2009–10

Community Visitors — Report 2009–10 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report 2009–10

Consumer Affairs Victoria — Report 2009–10 — Ordered to be printed

Coroners Court of Victoria — Report 2009–10

Coronial Council of Victoria — Report 1 November 2009 to 30 June 2010

Country Fire Authority — Report 2009–10

Dental Health Services Victoria — Report 2009–10 (two documents)

Disability Services Commissioner — Report 2009–10

Djerriwarrh Health Services — Report 2009–10

Dunmunkle Health Services — Report 2009–10

East Gippsland Region Water Corporation — Report 2009–10

East Grampians Health Service — Report 2009–10

East Wimmera Health Service — Report 2009–10

Eastern Health — Report 2009–10

Echuca Regional Health — Report 2009–10

Edenhope and District Memorial Hospital — Report 2009–10

Education and Early Childhood Development, Department of — Report 2009–10

Emerald Tourist Railway Board — Report 2009–10

Emergency Services Telecommunications Authority — Report 2009–10

Environment Protection Authority — Report 2009–10

Essential Services Commission — Report 2009–10

Fawkner Crematorium and Memorial Park — Report period ended 28 February 2010

Fed Square Pty Ltd — Report 2009–10

Financial Management Act 1994:

Reports from the Minister for Health that he had received the reports period ended 28 February 2010 of:

Anderson's Creek Cemetery Trust
 Keilor Cemetery Trust
 Lilydale Cemeteries Trust
 Preston Cemetery Trust
 Templestowe Cemetery Trust
 Wyndham Cemeteries Trust

Reports from the Minister for Health that he had received the reports 2009–10 of:

Ballaarat General Cemeteries Trust
 Bendigo Cemeteries Trust
 Chinese Medicine Registration Board of Victoria
 Chiropractors Registration Board of Victoria
 Dental Practice Board of Victoria
 Health Purchasing Victoria
 Maldon Hospital
 Medical Radiation Practitioners Board of Victoria
 Mildura Cemetery Trust
 Optometrists Registration Board of Victoria
 Osteopaths Registration Board of Victoria
 Pharmacy Board of Victoria
 Physiotherapists Registration Board of Victoria
 Podiatrists Registration Board of Victoria
 Psychologists Registration Board of Victoria
 Tweddle Child and Family Health Service

Victorian Assisted Reproduction Treatment Authority
Report from the Minister for Housing that he had received the Report 2009–10 of the Registrar of Housing Agencies
Report from the Minister for Veterans' Affairs that he had received the Report 2009–10 of the Shrine of Remembrance
Report from the Minister for Women's Affairs that she had received the Report 2009–10 of the Queen Victoria Women's Centre

Food Safety Council — Report 2009–10

Forensic Leave Panel — Report 2009

Freedom of Information Act 1982 — Report 2009–10 of the Attorney-General on the operation of the Act

Geelong Cemeteries Trust — Report 2009–10

Geelong Performing Arts Centre Trust — Report 2009–10

Gippsland and Southern Rural Water Corporation — Report 2009–10

Gippsland Southern Health Service — Report 2009–10

Goulburn-Murray Rural Water Corporation — Report 2009–10

Goulburn Valley Health — Report 2009–10

Goulburn Valley Region Water Corporation — Report 2009–10

Grampians Wimmera Mallee Water Corporation — Report 2009–10

Greyhound Racing Victoria — Report 2009–10

Growth Areas Authority — Report 2009–10

Harness Racing Victoria — Report 2009–10

Health, Department of — Report 2009–10

Health Services Commissioner, Office of — Report 2009–10

Heathcote Health — Report 2009–10

Hepburn Health Service — Report 2009–10

Hesse Rural Health Service — Report 2009–10

Heywood Rural Health — Report 2009–10 (three documents)

Human Services, Department of — Report 2009–10

Inglewood and Districts Health Service — Report 2009–10

Innovation, Industry and Regional Development, Department of — Report 2009–10

Judicial College of Victoria — Report 2009–10

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- Kerang District Health — Report 2009–10
- Kilmore and District Hospital — Report 2009–10
- Kooweerup Regional Health Service — Report 2009–10
- Kyabram and District Health Service — Report 2009–10
- Kyneton District Health Service — Report 2009–10
- Latrobe Regional Hospital — Report 2009–10
- Legal Practitioners' Liability Fund — Report 2009–10
- Legal Services Board — Report 2009–10
- Legal Services Commissioner — Report 2009–10 — Ordered to be printed
- Library Board of Victoria — Report 2009–10
- Lorne Community Hospital — Report 2009–10
- Lower Murray Urban and Rural Water Corporation — Report 2009–10
- Mallee Track Health and Community Services — Report 2009–10
- Mansfield District Hospital — Report 2009–10
- Maryborough District Health Service — Report 2009–10
- Medical Practitioners Board of Victoria— Report 2009–10
- Melbourne Convention and Exhibition Trust — Report 2009–10
- Melbourne Health — Report 2009–10
- Melbourne Water Corporation — Report 2009–10
- Members of Parliament (Register of Interests) Act 1978* — Summary of Returns June 2010 and Summary of Variations Notified between 24 June 2010 and 14 September 2010 — Ordered to be printed
- Mental Health Review Board incorporating the Psychosurgery Review Board — Report 2009–10
- Mercy Public Hospitals Inc — Report 2009–10
- Metropolitan Fire and Emergency Services Board — Report 2009–10
- Metropolitan Waste Management Group — Report 2009–10
- Moyne Health Services — Report 2009–10
- Municipal Association of Victoria — Report 2008–09
- Museums Board of Victoria — Report 2009–10
- Nathalia District Hospital — Report 2009–10

National Gallery of Victoria, Council of Trustees — Report 2009–10

Necropolis Springvale, Trustees of — Report period ended 28 February 2010

Northeast Health Wangaratta — Report 2009–10

North East Region Water Corporation — Report 2009–10

Northern Health — Report 2009–10

Northern Victoria Irrigation Renewal Project — Report 2009–10

Numurkah District Health Service — Report 2009–10

Nurses Board of Victoria — Report 2009–10

Omeo District Health — Report 2009–10

Orbost Regional Health — Report 2009–10

Otway Health and Community Services — Report 2009–10 (two documents)

Parks Victoria — Report 2009–10

Peninsula Health — Report 2009–10

Peter MacCallum Cancer Centre — Report 2009–10

Planning and Community Development, Department of — Report 2009–10

Plumbing Industry Commission — Report 2009–10

Police Appeals Board — Report 2009–10

Police Integrity, Office of — Report 2009–10 — Ordered to be printed

Port of Hastings Corporation — Report 2009–10

Port of Melbourne Corporation — Report 2009–10

Portland District Health — Report 2009–10 (two documents)

Premier and Cabinet, Department of — Report 2009–10

Professional Standards Council Victoria — Report 2009–10 (two documents)

Public Prosecutions — Director, Committee and Office — Report 2009–10

Queen Elizabeth Centre — Report 2009–10

Racing Integrity Commissioner, Office of — Report 2009–10

Radiation Advisory Committee — Report 2009–10

Regional Development Victoria — Report 2009–10

Roads Corporation (VicRoads) — Report 2009–10

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- Robinvale District Health Services — Report 2009–10
- Rochester and Elmore District Health Service — Report 2009–10
- Royal Children's Hospital — Report 2009–10
- Royal Victorian Eye and Ear Hospital — Report 2009–10
- Royal Women's Hospital — Report 2009–10
- Rural Finance Corporation of Victoria — Report 2009–10
- Rural Northwest Health — Report 2009–10
- Sentencing Advisory Council — Report 2009–10
- Seymour District Memorial Hospital — Report 2009–10
- South East Water Ltd — Report 2009–10
- South Gippsland Hospital — Report 2009–10
- South Gippsland Region Water Corporation — Report 2009–10
- Southern and Eastern Integrated Transport Authority — Report 2009–10
- Southern Health — Report 2009–10
- South West Healthcare — Report 2009–10
- Special Investigations Monitor, Office of — Report 2009–10
- St Vincent's Hospital (Melbourne) Ltd — Report 2009–10 (two documents)
- State Electricity Commission of Victoria — Report 2009–10
- State Services Authority — Report 2009–10
- State Trustees Ltd — Report 2009–10
- Statutory Rules under the following Acts:
- Electoral Act 2002* — SR 87
- Health Services Act 1988* — SR 88
- Libraries Act 1988* — SR 89
- Transport (Compliance and Miscellaneous) Act 1983* — SR 90
- Stawell Regional Health — Report 2009–10
- Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 87, 88, 89, 90
- Sustainability and Environment, Department of — Report 2009–10
- Sustainability Victoria — Report 2009–10
- Swan Hill District Health — Report 2009–10

Tallangatta Health Service — Report 2009–10 (two documents)

Terang and Mortlake Health Service — Report 2009–10

Timboon and District Healthcare Service — Report 2009–10

Tourism Victoria — Report 2009–10

Transport Accident Commission — Report 2009–10

Transport, Department of — Report 2009–10

Transport Ticketing Authority — Report 2009–10

Treasury and Finance, Department of — Report 2009–10

Treasury Corporation of Victoria — Report 2009–10

Upper Murray Health and Community Services — Report 2009–10 (two documents)

Victoria Law Foundation — Report 2009–10

Victoria Legal Aid — Report 2009–10

Victoria Police — Report 2009–10

Victoria State Emergency Service Authority — Report 2009–10

Victorian Arts Centre Trust — Report 2009–10

Victorian Civil and Administrative Tribunal — Report 2009–10

Victorian Competition and Efficiency Commission — Report 2009–10

Victorian Electoral Commission — Report 2009–10

Victorian Equal Opportunity and Human Rights Commission — Report 2009–10 — Ordered to be printed

Victorian Funds Management Corporation — Report 2009–10

Victorian Government Purchasing Board — Report 2009–10

Victorian Health Promotion Foundation — Report 2009–10

Victorian Industry Participation Policy — Report 2009–10

Victorian Institute of Forensic Medicine — Report 2009–10

Victorian Institute of Forensic Mental Health — Report 2009–10

Victorian Managed Insurance Authority — Report 2009–10

Victorian Multicultural Commission — Report 2009–10

Victorian Privacy Commissioner, Office of — Report 2009–10 — Ordered to be printed

Victorian Regional Channels Authority — Report 2009–10

Victorian Small Business Commissioner, Office of — Report 2009–10

Victorian Urban Development Authority — Report 2009–10

Victorian WorkCover Authority — Report 2009–10

V/Line Passenger Corporation — Report 2009–10

V/Line Passenger Pty Ltd — Report 2009–10

Wannon Region Water Corporation — Report 2009–10

Water Industry Act 1994 — Reports under s 77A (three reports)

West Gippsland Healthcare Group — Report 2009–10

Western District Health Service — Report 2009–10

Western Health — Report 2009–10

Westernport Region Water Corporation — Report 2009–10

Western Region Water Corporation — Report 2009–10

West Wimmera Health Service — Report 2009–10

Wimmera Health Care Group — Report 2009–10

Yarram and District Health Service — Report 2009–10

Yarra Valley Water Ltd — Report 2009–10

Yarrawonga District Health Service — Report 2009–10

Yea and District Memorial Hospital — Report 2009–10

Young Farmers' Finance Council — Report 2009–10

Youth Parole Board and Youth Residential Board — Report 2009–10

Zoological Parks and Gardens Board — Report 2009–10 (two documents).

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 October 2010 (*Mr Batchelor*) — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Wooldridge announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until:

- (1) There has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders; and
- (2) The assessment tool and the regulations are finalised and fully costed' —

(*Ms Wooldridge*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1006–7, 1009*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Provide for the outcome of further consultation regarding:
 - (a) streamlining the structure of the Board of the Commission; and
 - (b) retaining a separate Judicial College of Victoria.
- (2) Ensure the powers of the Attorney-General do not undermine the independence of the Judicial Commission' —

(*Mr Clark*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Debate resumed on question — That this Bill be now read a second time — and on the amendment.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 14 September 2010 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Confiscation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 19 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **CONFISCATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were disagreed with.

Message sent to the Legislative Council informing them accordingly.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.18 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 188, 189 and 190

No 189 — Wednesday 15 September 2010

**TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL
2010**

Clause 1 agreed to.

Clause 2, Mr Holding moved amendment Nos 1 to 12 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 3 to 20 agreed to.

Clause 21, Mr Holding moved amendment Nos 13 to 15 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 22 to 82 agreed to.

Clause 83, Mr Holding moved amendment No 16 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 84 to 98 agreed to.

Clause 99, Mr Holding moved amendment Nos 17 and 18 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 100 to 122 agreed to.

Clause 123, Mr Holding moved amendment Nos 19 and 20 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 124 to 165 agreed to.

Bill agreed to as amended.

FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

Clause 1 agreed to.

Clause 2, Mr Robinson moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 3 to 39 agreed to.

Clause 40, Mr Robinson moved amendment Nos 2 to 4 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 41 to 46 agreed to.

Clause 47, Mr Robinson moved amendment Nos 5 to 12 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 48 agreed to.

Clause 49, Mr Robinson moved amendment No 13 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Schedule agreed to.

Bill agreed to as amended.

No 190 — Thursday 16 September 2010**EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010**

Clauses 1 to 17 agreed to.

Schedule, *The Deputy Speaker advised that if amendment No 1 is not agreed to amendment No 2 cannot be moved as it is consequential.*

Ms Wooldridge moved amendment No 1 (*see Schedule 3*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

The Deputy Speaker advised that if amendment No 3 is not agreed to, the remaining amendments cannot be moved as they are consequential.

Ms Wooldridge moved amendment No 3 (*see Schedule 3*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Schedule agreed to.

Bill agreed to without amendment.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010

Amendments moved by Mr Holding

1. Clause 2, line 14, omit "section" and insert "sections 159 and".
2. Clause 2, lines 17 to 18, omit subclause (2).
3. Clause 2, line 19, omit "(3)" and insert "(2)".
4. Clause 2, line 21, omit "(4)" and insert "(3)".
5. Clause 2, line 22, after "158" insert ", 160".
6. Clause 2, line 24, omit "(5)" and insert "(4)".
7. Clause 2, line 27, omit "(6)" and insert "(5)".
8. Clause 2, line 29, omit "(7)" (where first occurring) and insert "(6)".
9. Clause 2, line 33, omit "(8)" and insert "(7)".
10. Clause 2, page 3, line 1, omit "(9)" and insert "(8)".
11. Clause 2, page 3, line 5, omit "(10)" and insert "(9)".
12. Clause 2, page 3, line 5, omit "(8)" and insert "(7)".
13. Clause 21, line 19, after "(if any)" insert "in the relevant enhancement period".
14. Clause 21, line 33, after "(if any)" insert "in the relevant enhancement period".
15. Clause 21, page 19, line 22, after "(if any)" insert "in the relevant enhancement period".
16. Clause 83, page 110, line 12, after "item" insert "or, if that amount has been varied in accordance with this section, that amount as last so varied".
17. Clause 99, page 133, after line 15 insert—

"(5) A litigated legal costs order under subsection (1) may provide for the amounts of costs specified in the order to be indexed in accordance with the all groups consumer price index for Melbourne as published by the Australian Statistician."
18. Clause 99, page 133, line 16, omit "(5)" and insert "(6)".
19. Clause 123, line 26, omit "(4)" and insert "(6)".
20. Clause 123, line 27, omit "(4)" and insert "(5)".

SCHEDULE 2

FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

Amendments moved by Mr Robinson

1. Clause 2, line 2, omit "1 January 2011" and insert "a day or days to be proclaimed".
2. Clause 40, lines 20 to 31 and page 35, lines 1 to 4, omit all words and expressions on these lines and insert—
 - "() The Minister must publish in the Government Gazette a copy of any notice that the Minister publishes on the internet under section 109, 111(2), 113, 122, 129 or 130 of the Australian Consumer Law (Victoria)."
3. Clause 40, page 35, lines 14 and 15, omit "the publication of the order in the Government Gazette" and insert "the imposition of the interim ban or the issue of the recall notice under the Australian Consumer Law (Victoria)".
4. Clause 40, page 35, lines 30 to 32, omit "or recall notice is published in the Government Gazette" and insert "is imposed or the recall notice is issued under the Australian Consumer Law (Victoria)".
5. Clause 47, line 14, omit "1 January 2011" and insert "the commencement day".
6. Clause 47, line 18, omit "1 January 2011" and insert "the commencement day".
7. Clause 47, lines 19 and 20, omit "1 January 2011" and insert "the commencement day".
8. Clause 47, line 29, omit "1 January 2011" and inset "the commencement day".
9. Clause 47, page 40, after line 6, insert—
 - "() In this section, *commencement day* means the day on which section 17 of the **Fair Trading Amendment (Australian Consumer Law) Act 2010** comes into operation."
10. Clause 47, page 40, line 8, after "by" insert "a provision of".
11. Clause 47, page 40, line 12, omit "1 January 2011" and insert "the date of the commencement of that provision".
12. Clause 47, page 41, line 26, omit "1 January 2012" and insert "the first anniversary of the first day on which all of the provisions of the **Fair Trading Amendment (Australian Consumer Law) Act 2010** are in operation".
13. Clause 49, line 2, omit "1 January 2012" and insert "the first anniversary of the first day on which all of its provisions are in operation".

SCHEDULE 3

EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010

Amendments moved by Ms Wooldridge

1. Schedule, clause 280, lines 15 to 17, omit "a participating jurisdiction determined by the Ministerial Council" and insert "each participating jurisdiction".
3. Schedule, clause 303, page 221, lines 1 to 10, omit all the words and expressions on these lines.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 191, 192 and 193

No 191 — Tuesday 5 October 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Crimes Act 1958 in relation to forensic procedures and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SENTENCING AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Sentencing Act 1991 and the Road Safety Act 1986 and to make minor and consequential amendments to other Acts and for other purposes*'; and, after debate, the Bill was read a first time and, after debate, ordered to be read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
 - Brighton East Public Bus Routes** — Requesting that the Government gives consideration to objections to public bus routes along residential streets in the Brighton East area by directing public bus routes along primary arterial roads, bearing 334 signatures (*Ms Asher*)
 - Younger Onset Dementia Services** — Requesting that the House recognises that people have a right to tailored dementia services, regardless of age, and urges the Government to fund — (a) a skilled support worker for people with younger onset dementia; (b) a user friendly website of younger onset dementia support strategies; and (c) peer support innovations such as Alzheimer's Australia Vic Memory Lane Café, bearing 884 signatures (*Mr Languiller*)
 - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 25, 52, 84 and 146 signatures (*Mr Delahunty, Mr Northe, Mrs Powell and Dr Napthine respectively*)
 - Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 16 signatures (*Mr Delahunty*)
 - Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 18 signatures (*Mr Delahunty*)
 - Electronic Gaming Machines** — Requesting that the House not grant any additional electronic gaming machine licences for Mildura, bearing 35 signatures (*Mr Crisp*)
 - Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 56 signatures (*Mr Crisp*)

Morwell to Traralgon Bike Path Link — Requesting that the House calls upon the Government to provide funding to establish a Morwell to Traralgon bike path link for the benefit of the residents of Morwell electorate and the wider Gippsland community, bearing 219 signatures (*Mr Northe*)

Old Gippsdown Heritage Park — Requesting that the House takes immediate action to address the funding shortfall by providing annual financial support to offset the management of Old Gippsdown Heritage Park, bearing 1850 signatures (*Mr Blackwood*)

Albert Park College — Requesting that the House calls upon the Government to immediately announce that Albert Park College will provide for both Year 7 and 8 students in 2011 providing certainty for the school and prospective students and their families, bearing 183 signatures (*Mr Dixon*)

New Street Railway Gates — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 21 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 6 **PETITION — BRIGHTON EAST PUBLIC BUS ROUTES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 7 **PETITION — YOUNGER ONSET DEMENTIA SERVICES** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 8 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 11 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 13 **PETITION — ALBERT PARK COLLEGE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

- 15 **PETITION — MORWELL TO TRARALGON BIKE PATH LINK** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 16 **PETITION — OLD GIPPSTOWN HERITAGE PARK** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 17 **PETITION — ELECTRONIC GAMING MACHINES** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 18 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 19 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Carli, Chair, presented the Alert Digest No 14 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Amendment Bill 2010
 Education and Care Services National Law Bill 2010
 Justice Legislation Amendment (Victims of Crime and Other Matters) Bill 2010
 Justice Legislation Further Amendment Bill 2010
 Occupational Licensing National Law Bill 2010
 Plant Biosecurity Bill 2010
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Altona Memorial Park — Report period ended 28 February 2010

Auditor-General:

Soil Health Management — Ordered to be printed
 Sustainable Management of Victoria's Groundwater Resources — Ordered to be printed
 The Department of Human Services' Role in Emergency Recovery — Ordered to be printed

Auditor-General, Office of — Report 2009–10

Drugs, Poisons and Controlled Substances Act 1981 — Report 2009 under s 96

Financial Management Act 1994:

Report from the Minister for Planning that he had received the Report 2009–10 of the Architects Registration Board of Victoria
 Report from the Minister for Skills and Workforce Participation that she had received the Report 2009 of the International Fibre Centre

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Report on the Inquiry into Skills Shortages in the Rail Industry

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside — C75 Part 1, C76
 Boroondara — C115
 Brimbank — C136
 Campaspe — C79
 Cardinia — C100
 Glen Eira — C74
 Greater Bendigo — C89 Part 1
 Greater Dandenong — C101
 Greater Geelong — C236
 Greater Shepparton — C111, C146
 Kingston — C95
 Maroondah — C78
 Moira — C66
 Monash — C92
 Moreland — C85, C105
 Mornington Peninsula — C117, C146, C148
 Mount Alexander — C41
 Stonnington — C84, C122
 Surf Coast — C60
 Victoria Planning Provisions — VC63, VC71
 Whitehorse — C83, C114, C128
 Whittlesea — C144
 Wodonga — C76
 Wyndham — C131
 Yarra — C85, C132

Professional Standards Act 2003 — Report of the Attorney-General on the review of the Act under s 58

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (9 documents)

Public Record Office Victoria — Report 2009–10

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 92
Occupational Health and Safety Act 2004 — SR 93
Retail Leases Act 2003 — SR 91
Subordinate Legislation Act 1994 — SR 94
Transport (Compliance and Miscellaneous) Act 1983 — SR 95

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 61, 92, 93, 95

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q

Terrorism (Community Protection) Act 2003 — Reports 2009–10 under ss 13 and 13ZR

Victorian Law Reform Commission — Protection Applications in the Children's Court — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Education and Training Reform Amendment Act 2010 — Sections 5 to 9 and 60 — 22 September 2010 (*Gazette S385, 22 September 2010*)

Gambling Regulation Amendment (Licensing) Act 2010 — Part 1, Part 2 (except ss 6, 7, 10 to 12, 20, 22, 29 to 31, 33, 42, 46 to 48 and 56 to 61), Part 3, Part 4, Part 5 and Part 6 — 15 September 2010; ss 56 to 61 — 1 December 2010; ss 6, 7, 10 to 12, 42 and 46 to 48 — 1 January 2011 (*Gazette S372, 14 September 2010*)

Local Government and Planning Legislation Amendment Act 2010 — Whole Act — 24 September 2010 (*Gazette G38, 23 September 2010*)

Primary Industries Legislation Amendment Act 2010 — Whole Act (except ss 18, 31, 33, 43(4) and 45) — 1 October 2010 (*Gazette G39, 30 September 2010*)

Traditional Owner Settlement Act 2010 — Whole Act — 23 September 2010 (*Gazette S382, 22 September 2010*)

Workplace Rights Advocate (Repeal) Act 2009 — Sections 5, 6 and 7 — 1 October 2010 (*Gazette G39, 30 September 2010*).

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Justice Legislation Further Amendment Bill 2010
 Marine Safety Bill 2010
 Occupational Licensing National Law Bill 2010
 Residential Tenancies Amendment Bill 2010.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment (Skills) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on an amendment disagreed with by the Legislative Assembly and not insisting on the remaining amendment disagreed with by the Assembly to the Confiscation Amendment Bill 2010.

Ordered — That the message be taken into consideration later this day.

- 23 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 21 September 2010
 Traditional Owner Settlement Bill 2010

On 28 September 2010
 Consumer Affairs Legislation Amendment (Reform) Bill 2010
 Justice Legislation Further Amendment Bill 2010
 Marine Safety Bill 2010
 Occupational Licensing National Law Bill 2010
 Residential Tenancies Amendment Bill 2010.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 12.55 pm on Thursday 7 October 2010:

Bail Amendment Bill 2010

Personal Property Securities (Statute Law Revision and Implementation) Bill 2010

Subordinate Legislation Amendment Bill 2010

Tourist and Heritage Railways Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 25 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until tomorrow.
- 27 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

On the motion of Ms Pike and, after debate — Amendment No 1 disagreed with.

On the motion of Ms Pike — Amendment No 2 agreed to.

On the motion of Ms Pike — Amendment Nos 3 and 4 agreed to.

On the motion of Ms Pike — Amendment Nos 5 and 6 disagreed with.

On the motion of Ms Pike and, after debate — Amendment No 7 agreed to with an amendment.

On the motion of Ms Pike — Amendment No 8 agreed to with an amendment.

On the motion of Ms Pike — Amendment Nos 9 to 14 disagreed with.

Message sent to the Legislative Council informing them accordingly.

- 29 **CONFISCATION AMENDMENT BILL 2010** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That this House does not insist on disagreeing with amendment No 1 made and insisted on by the Council (*Mr Hulls*) — put, after debate and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 30 **PERSONAL PROPERTIES SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Care Services National Law Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration immediately.

- 32 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 33 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety Amendment (Hoon Driving) Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 34 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 35 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 192 — Wednesday 6 October 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Alpine Health, Bright Campus — Requesting that the House requires the Government to take immediate action to work with Bright and District residents to redevelop the Bright campus of Alpine Health into an integrated healthcare facility to include residential aged care facilities, bearing 11 signatures (*Dr Sykes*)

Lentil as Anything — Requesting that the House urgently reconsiders the proposed cessation of Lentil as Anything's tenure at the Abbotsford Convent, bearing 16 signatures (*Dr Sykes*)

Mobile Phone Tower in Myrree — Requesting that the House notes the need for a mobile phone tower to be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 28 signatures (*Dr Sykes*)

Multipurpose Community Facility in Tinamba — Requesting that the House calls upon the Government to fund a new multipurpose community facility for the Tinamba district, bearing 508 signatures (*Mr Ingram*)

Marine Parks Proposal — Requesting that the House rejects the proposal by the Victorian National Parks Association to lock up a further 20 per cent of Victorian waters to marine parks, stopping all recreational and commercial fishing in these areas, bearing 2861 signatures (*Mr Ingram*)

Bus Service in Kilsyth — Requesting that the House calls upon the Government to fund a bus service along Colchester Road, Kilsyth (Route AF) as per the Recommendations Report for the Metropolitan Bus Service Reviews: Knox/Maroondah/Yarra Ranges, bearing 36 signatures (*Mr Hodgett*)

Electricity Smart Meters — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 262 signatures (*Mr O'Brien*)

Melbourne–Mildura Passenger Train Service — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 113 signatures (*Mr Crisp*)

Proposed Mildura Casino — Requesting that the House not make a decision regarding a casino for Mildura until a comprehensive socioeconomic study has been completed, followed by a plebiscite of the community, bearing 100 signatures (*Mr Crisp*)

Intersection of Nepean Highway and Warrigal Road, Mentone — Requesting that the House canvasses for a supervisor or supervisors at the intersection of the Nepean Highway and Warrigal Road, Mentone, bearing 57 signatures (*Ms Munt*)

Royal Commission into Corruption — Requesting that the House recognises the need for a Royal Commission to investigate corruption with broad reference to probe, encompass and expose a range of issues including measures to combat corruption, conflicts of interest in public institutions, fraud, corruption in public projects, impacts on rights to freedom of speech and privacy, and all other relevant issues, considerations and remedies, bearing 3516 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 3 **PETITION — MULTIPURPOSE COMMUNITY FACILITY IN TINAMBA** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — MARINE PARKS PROPOSAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — BUS SERVICE IN KILSYTH** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Malvern be taken into consideration tomorrow (*Mr O'Brien*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 8 **PETITION — PROPOSED MILDURA CASINO** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — ROYAL COMMISSION INTO CORRUPTION** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF NEPEAN HIGHWAY AND WARRIGAL ROAD, MENTONE** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 11 **PETITION — ALPINE HEALTH, BRIGHT CAMPUS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — LENTIL AS ANYTHING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **DOCUMENTS**

LAW REFORM COMMITTEE — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into arrangements for security and security information gathering for State Government construction projects, together with an extract from the proceedings and a minority report.

Ordered to be tabled and printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Mr Perera, Chair, presented a report from the Family and Community Development Committee on the Inquiry into the Adequacy and Future Directions of Public Housing in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mrs Maddigan, Chair, presented an interim report from the Drugs and Crime Prevention Committee on the Inquiry into the impact of drug-related offending on female prisoner numbers, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Farmers' Markets, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENTS BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Magistrates' Court of Victoria — Report 2009–10

Ordered to be tabled.

Supreme Court of Victoria — Report 2009–10

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Albury Wodonga Health — Report 2009–10

Ambulance Victoria — Report 2009–10

Auditor-General:

Access to Ambulance Services — Ordered to be printed

Management of the Freight Network — Ordered to be printed

Security of Infrastructure Control Systems for Water and Transport — Ordered to be printed

Crimes (Controlled Operations) Act 2004 — Report of the Special Investigations Monitor under s 39

Fisheries Act 1995 — Report of the Special Investigations Monitor under s 131T

Melbourne Recital Centre — Report 2009–10 (two documents)

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into conditions at the Melbourne Youth Justice Precinct — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer-Suburban Melbourne

Government response to the Public Accounts and Estimates Committee's Report on the 2008–09 Financial and Performance Outcomes

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 March 2008–August 2008

Statutory Rules under the following Acts:

Children's Services Act 1996 — SR 96

Environment Protection Act 1970 — SR 98

Local Government Act 1989 — SR 99

Prostitution Control Act 1994 — SR 97

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 96, 97, 99

Victims of Crime Assistance Tribunal — Report 2009–10

Wildlife Act 1975 — Report of the Special Investigations Monitor under s 74P.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Accident and Accident Compensation Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN MAJOR PROJECTS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for its irresponsible financial management of Victorian major projects thereby resulting in extraordinary cost of living increases for Victorian families.'

Mr Ryan addressed the House — Discussion followed.

- 18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into the impact of drug-related offending on female prisoner numbers

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Farmers' Markets

Family and Community Development Committee's Report on the Inquiry into the Adequacy and Future Directions of Public Housing in Victoria

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part Three

Law Reform Committee's Report on the Inquiry into arrangements for security and security information gathering for State Government construction projects.

- 19 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to with an amendment and a further amendment was made to the Bill.

Message sent to the Legislative Council informing them accordingly.

- 20 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Ms Neville made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 October 2010.

- 23 **CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 October 2010.

- 24 **SENTENCING AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Ms Thomson, Footscray*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **MESSAGE FROM THE ADMINISTRATOR AS THE GOVERNOR'S DEPUTY** — Recommending an appropriation for the purposes of the Sentencing Amendment Bill 2010.

- 26 **SENTENCING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Message sent to the Legislative Council informing them accordingly.

- 28 **SENTENCING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 29 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ingram announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **STANDING ORDERS AMENDED** — By leave, Mr McIntosh announced an amendment to be proposed to the motion and requested that it be circulated. Amendment circulated.

Motion made and question — That —

(1) Standing orders be amended as follows:

- (a) Standing Order 2, omit subparagraph (3) and subparagraph (4);
- (b) Standing Order 2, in subparagraph (5), after "announced" insert "by the Serjeant-at-Arms, the Commissioner delivers the Commission to the Clerk, ";
- (c) Standing Order 5, in subparagraph (2), after "business" insert ", in assertion of the House's rights";
- (d) Standing Order 5, omit subparagraph (3).

(2) The Clerk of the Legislative Assembly be authorised to carry out any consequential renumbering in Standing Orders 2 and 5 —

(*Mr Batchelor*) — and, after debate —

Amendment proposed — In paragraph 1(c) omit "in assertion of the House's rights" and insert "to reassert and maintain the right of the House to deal with its own business before the Governor's business" (*Mr McIntosh*) — put, after debate, and agreed to.

Original question as amended put and agreed to.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 32 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.13 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

No 193 — Thursday 7 October 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Traffic Lights in Wantirna South — Requesting that the House resolves that the Minister for Roads and Ports, in conjunction with VicRoads, undertakes an immediate review of the intersection of Coleman Road, Stud Road and Harold Street in Wantirna South including consideration of right turning arrows, bearing 97 signatures (*Mrs Victoria*)

Abortion Law — Requesting that the House repeals the *Abortion Law Reform Act 2008*, bearing 5666 signatures (*Mr Clark*)

Duck Shooting Ban — Requesting that the House follows other State Governments in Australia and permanently bans the recreational shooting of Australian native waterbirds in Victoria, bearing 30233 signatures (*Mr Carli*)

Marine Parks Proposal — Requesting that the House rejects the proposal by the Victorian National Parks Association to lock up a further 20 per cent of Victorian waters to marine parks, stopping all recreational and commercial fishing in these areas, bearing 204 signatures (*Mr Ingram*)

The Knob Recreation Reserve, Stratford — Requesting that the House calls upon the Government to reinstate a community-appointed Committee of Management to ensure the The Knob Recreation Reserve in Stratford is managed in accordance with local community values and can continue to be used for recreational activities for generations to come, bearing 1508 signatures (*Mr Ingram*)

Electricity Smart Meter Program — Requesting that the House requests that the Government halts the roll out of the electricity smart meter program permanently, bearing 77 signatures (*Mr Burgess*)

Hastings Jetty — Requesting that the Government — (a) immediately consults the Hastings community regarding the need for repairs to Hastings Jetty; (b) ensures the community's wishes are reflected by any repairs undertaken on the jetty; and (c) ensures any repairs carried out on the jetty preserve the integrity and iconic status of the jetty for future generations, bearing 229 signatures (*Mr Burgess*)

Changes to Hastings Jetty — Requesting that the Government — (a) immediately consults the Hastings community to ascertain the nature of the repairs to Hastings Jetty; and (b) ensures that any repairs reflect the community's wishes and preserve the integrity and iconic and cherished status of this landmark, bearing 47 signatures (*Mr Burgess*)

Frankston Reservoir — Requesting that the House supports the Frankston Reservoir becoming designated as a nature conservation reserve to save native species and protect biodiversity, bearing 1033 signatures (*Mr Burgess*)

Sow Stalls Ban — Requesting that the House introduces a ban on sow stalls in Victoria as a matter of urgency, bearing 741 signatures (*Ms Duncan*)

Melbourne–Mildura Passenger Train Service — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 114 signatures (*Mr Crisp*)

Proposed Mildura Casino — Requesting that the House not make a decision regarding a casino for Mildura until a comprehensive socioeconomic study has been completed, followed by a plebiscite of the community, bearing 154 signatures (*Mr Crisp*)

Casino Licence for Mildura — Requesting that the House not grant a licence for the establishment of a casino in Mildura, bearing 397 signatures (*Mr Crisp*)

Respite Beds in Whittlesea — Requesting that the Government commits, prior to the 2010 state election, to providing funding and resourcing for respite beds to ensure that people with disabilities in the City of Whittlesea have a choice of respite options available, bearing 3544 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAFFIC LIGHTS IN WANTIRNA SOUTH** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 4 **PETITION — RESPITE BEDS IN WHITTLESEA** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 5 **PETITION — ELECTRICITY SMART METER PROGRAM** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 6 **PETITION — HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — CHANGES TO HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — FRANKSTON RESERVOIR** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 9 **PETITION — MARINE PARKS PROPOSAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 10 **PETITION — THE KNOB RECREATION RESERVE, STRATFORD** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 11 **PETITION — DUCK SHOOTING BAN** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.
- 12 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — PROPOSED MILDURA CASINO** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — CASINO LICENCE FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 DOCUMENTS

RESPONSE BY THE MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's Reports issued during 2009–10 be tabled (*Mr Helper*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Inquiry into Victoria's *Audit Act 1994*, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

RURAL AND REGIONAL COMMITTEE — Mr Northe presented a report from the Rural and Regional Committee on the Inquiry into the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Alpine Resorts Co-ordinating Council — Report 2009–10

Auditor-General:

Annual Financial Report of the State of Victoria, 2009–10 — Ordered to be printed
Restricting Environmental Flows during Water Shortages — Ordered to be printed
Victorian Registration and Qualifications Authority — Ordered to be printed

Barwon Regional Waste Management Group — Report 2009–10

Calder Regional Waste Management Group — Report 2009–10

Central Murray Regional Waste Management Group — Report 2009–10

Commissioner for Environmental Sustainability Act 2003 — State of the Environment Report under s 17

Commissioner for Environmental Sustainability — Report 2009–10

Crimes (Assumed Identities) Act 2004 — Report 2009–10 under s 31

Desert Fringe Regional Waste Management Group — Report 2009–10

Financial Management Act 1994 — Report from the Minister for Innovation that he had received the Report 2009–10 of the Melbourne Central City Studios Pty Ltd

Gippsland Regional Waste Management Group — Report 2009–10

Goulburn Valley Regional Waste Management Group — Report 2009–10

Grampians Regional Waste Management Group — Report 2009–10

Highlands Regional Waste Management Group — Report 2009–10

Liquor Control Reform Act 1998 — Reports 2008–09, 2009–10 under s 148R

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2010 — Ordered to be printed

Mildura Regional Waste Management Group — Report 2009–10

Mornington Peninsula Regional Waste Management Group — Report 2009–10

North East Victorian Regional Waste Management Group — Report 2009–10

Ombudsman — Ombudsman's recommendations — Second report on their implementation — Ordered to be printed

Police Integrity, Office of — Managing conflict of interest in Victoria Police — Ordered to be printed

South Western Regional Waste Management Group — Report 2009–10

Surveillance Devices Act 1999 — Reports 2009–10 under s 30L (two reports)

Surveyor's Registration Board of Victoria — Report 2009–10

Victoria Grants Commission — Report year ended 31 August 2010

Victorian Law Reform Commission — Report 2009–10 — Ordered to be printed.

- 16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Helper*) — put and agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 18 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Foley; Ms Galey; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 28

Ms Asher; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

20 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 October 2010 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

21 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

22 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

23 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

Business having been interrupted at 2.00 pm under standing orders.

24 **QUESTIONS** — (Under SO 55).

25 **STATEMENTS MARKING THE END OF THE 56TH PARLIAMENT** — In accordance with the order of the House of 15 September 2010, retiring members made valedictory statements, and the Premier, Deputy Premier, Leader of the Opposition and Leader of The Nationals made statements marking the end of the 56th Parliament.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on the amendments disagreed with by the Legislative Assembly, and agreeing to the amendments made by the Assembly to the amendments made by the Legislative Council, to the Education and Training Reform Amendment (Skills) Bill 2010.

-
- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Sentencing Amendment Bill 2010
Fair Trading Amendment (Australian Consumer Law) Bill 2010
Road Legislation Miscellaneous Amendments Bill 2010.
- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fire Services Commissioner Bill 2010 without amendment.
- 29 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendment made by the Legislative Assembly to the amendment made by the Legislative Council, and agreeing to the further amendment made by the Assembly to the Road Safety Amendment (Hoon Driving) Bill 2010.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 31 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JENNY LINDELL
Speaker

SESSION 2006–10
MESSAGES RECEIVED AFTER THE ADJOURNMENT OF
THE HOUSE ON 7 OCTOBER 2010

MESSAGE FROM THE LIEUTENANT-GOVERNOR

Informing the Assembly that she had, on 12 October 2010, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Confiscation Amendment Bill 2010
Education and Care Services National Law Bill 2010

MESSAGE FROM THE GOVERNOR

Informing the Assembly that he had, on 19 October 2010, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Bail Amendment Bill 2010
Education and Training Reform Amendment (Skills) Bill 2010
Fair Trading Amendment (Australian Consumer Law) Bill 2010
Fire Services Commissioner Bill 2010
Personal Property Securities (Statute Law Revision and Implementation) Bill 2010
Road Legislation Miscellaneous Amendments Bill 2010
Road Safety Amendment (Hoon Driving) Bill 2010
Sentencing Amendment Bill 2010
Subordinate Legislation Amendment Bill 2010
Tourist and Heritage Railways Bill 2010
Transport Accident and Accident Compensation Legislation Amendment Bill 2010



Victoria Government Gazette

No. S 453 Tuesday 2 November 2010
By Authority of Victorian Government Printer

Constitution Act 1975

PROCLAMATION

I, David de Kretser, Governor of Victoria, with the advice of the Premier, the Honourable John Brumby MP, do, by this Proclamation, declare that I have today ordered that the Writs be issued according to law for an election of Members to serve in the Legislative Assembly and for Members to serve in the Legislative Council.

Given under my Hand and the Seal of the State of Victoria on this 2nd day of November 2010.

(L.S.)

DAVID DE KRETSER

Governor

By His Excellency's Command

HON JOHN BRUMBY MP

Premier of Victoria

NOTICE OF ELECTION

Notice is hereby given that the Governor of Victoria will issue Writs for an election of Members to serve in the Legislative Assembly of Victoria, and for Members to serve in the Legislative Council of Victoria, specifying the following dates:

Date of Issue of Writs	2 November 2010
Date for the Close of the Rolls	9 November 2010
Final Nomination Day	12 November 2010
Election Day	27 November 2010
Return of Writs	On or before 18 December 2010

By His Excellency's Command
The Governor's Office

Dated 2 November 2010

MATTHEW McBEATH
Clerk of the Executive Council

SPECIAL

COMMITTEES**SESSION 2006–10****DISPUTE RESOLUTION (JOINT)**

(Assembly members appointed 18 April 2007 unless otherwise indicated)

Mr Batchelor
Mr Cameron
Mr Clark
Mr Holding
Mr Lupton *(appointed 7 May 2009)*
Mr McIntosh
Mr Robinson *(discharged 7 May 2009)*
Mr Walsh

DRUGS AND CRIME PREVENTION (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Barker *(resigned 13 June 2007, see p 133)*
Ms Beattie *(appointed 10 June 2008)*
Mr Delahunty
Mr Haermeyer *(appointed 21 June 2007) (resigned seat 2 June 2008)*
Mrs Maddigan
Mr McIntosh *(resigned 11 June 2008, see p 357)*
Mr Morris

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE (JOINT)

(Assembly members appointed by resolution on 1 March 2007 contingent upon the coming into operation of the Parliamentary Legislation Amendment Act 2007)

Ms Campbell
Mr Crisp
Mr Lim *(appointed 2 June 2009)*
Ms Thomson *(Footscray)*

EDUCATION AND TRAINING (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Mr Dixon *(appointed 18 September 2007)*
Dr Harkness
Mr Herbert
Mr Howard
Mr Kotsiras

ELECTORAL MATTERS (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Campbell
Mr O'Brien
Mr Scott
Mr Thompson (*Sandringham*)

ENVIRONMENT AND NATURAL RESOURCES (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Duncan
Mrs Fyffe
Mr Ingram
Ms Lobato
Mr Pandazopoulos
Mr Walsh

FAMILY AND COMMUNITY DEVELOPMENT (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Beattie (*resigned 30 October 2007*)
Mr Dixon (*resigned 18 September 2007*)
Ms Kairouz (*appointed 26 February 2009*)
Mr Noonan (*appointed 30 October 2007*)
Mr Perera
Mrs Powell
Mrs Shardey (*appointed 2 February 2010*)
Ms Wooldridge (*resigned 1 February 2010, see p 807*)

HOUSE (JOINT)

(Assembly members appointed 1 May 2007 unless otherwise indicated)

The Speaker (*ex-officio*)
Ms Beattie
Mr Delahunty
Mr Howard
Mr Kotsiras
Mr Scott
Mr Smith (*Bass*)

LAW REFORM (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Mr Brooks
Mr Clark
Mr Donnellan
Mr Foley *(appointed 30 October 2007)*
Mr Lupton *(resigned 8 August 2007)*
Mrs Maddigan *(appointed 8 August 2007) (resigned 30 October 2007)*
Mrs Victoria *(appointed 4 June 2009)*

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Green *(resigned 1 February 2010, see p 807)*
Mr Hodgett
Mr Langdon *(appointed 2 February 2010) (resigned seat 25 August 2010)*
Mr Nardella
Mr Seitz
Mr Smith *(Bass)*

PRIVILEGES

(Members appointed 15 March 2007 unless otherwise indicated)

Mr Carli
Mr Clark
Mr Delahunty
Mr Lupton
Mrs Maddigan
Dr Naphthine
Mr Nardella
Mr Stensholt
Mr Thompson *(Sandringham)*

PUBLIC ACCOUNTS AND ESTIMATES (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Ms Graley *(resigned 26 February 2008, see p 281) (re-appointed 2 February 2010)*
Ms Munt *(appointed by resolution on 1 March 2007 contingent upon the coming into operation of the Parliamentary Legislation Amendment Act 2007) (resigned 2 February 2010)*
Mr Noonan *(appointed 27 February 2008)*
Mr Scott
Mr Stensholt
Dr Sykes
Mr Wells

ROAD SAFETY (JOINT)

(Assembly members appointed 1 March 2007 unless otherwise indicated)

Mr Eren
Mr Langdon *(resigned seat 25 August 2010)*
Mr Mulder *(resigned 2 June 2009, see p 628)*
Mr Tilley *(appointed 4 June 2009)*
Mr Trezise
Mr Weller

RURAL AND REGIONAL (JOINT)

(Assembly members appointed by resolution on 1 March 2007 contingent upon the coming into operation of the Parliamentary Legislation Amendment Act 2007)

Mr Eren *(resigned 8 August 2007)*
Ms Marshall *(appointed 8 August 2007) (resigned 8 December 2009)*
Mr Nardella *(appointed 8 December 2009)*
Mr Northe

SCRUTINY OF ACTS AND REGULATIONS (JOINT)

(Assembly members appointed from 19 December 2006 to 28 February 2007 and from 1 March 2007 unless otherwise indicated)

Mr Brooks
Mr Burgess *(appointed 8 December 2009)*
Mr Carli
Mr Jasper
Mr Languiller *(appointed 1 March 2007)*
Mr McIntosh *(appointed from 19 December 2006 to 28 February 2007)*
Mr Smith *(Warrantdyte) (appointed 1 March 2007) (resigned 8 December 2009)*
Mr Thompson *(Sandringham) (appointed from 19 December 2006 to 28 February 2007)*

STANDING ORDERS

(Members appointed 15 March 2007 unless otherwise indicated)

The Speaker
Ms Barker
Mr Kotsiras
Mr Langdon *(resigned seat 25 August 2010)*
Mr McIntosh
Mr Nardella
Mrs Powell



**MINUTES OF THE PROCEEDINGS
OF THE
JOINT SITTING
OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA**

TO ELECT THREE MEMBERS OF THE PARLIAMENT TO THE
VICTORIAN HEALTH PROMOTION FOUNDATION

23 May 2007

Held in accordance with the provisions of the Tobacco Act 1987

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Wednesday 23 May 2007

THE VICTORIAN HEALTH PROMOTION FOUNDATION

The members of the Legislative Council and the members of the Legislative Assembly having assembled in the Legislative Assembly Chamber in accordance with the resolutions of the two Houses —

- 1 The Honourable Jenny Lindell, Speaker of the Legislative Assembly, took the Chair.
- 2 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Chair invited proposals from members for the election of three members to the Victorian Health Promotion Foundation.

The Honourable Steve Bracks, MP proposed that Ms Kirstie Marshall, MP, Mr Richard Dalla-Riva, MLC and Mr Hugh Delahunty, MP, be elected to the Victorian Health Promotion Foundation, and stated that they were willing to be elected, if chosen. The proposal was seconded by Mr Andrew McIntosh, MP.

The Chair asked if there were any further proposals and, there being no further proposals, declared that Ms Kirstie Marshall, MP, Mr Richard Dalla-Riva, MLC and Mr Hugh Delahunty, MP had been elected.

The Chair declared the joint sitting closed.

W R TUNNECLIFFE
Clerk of the Legislative Council

R W PURDEY
Clerk of the Legislative Assembly



MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

**OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA**

TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
RENDERED VACANT BY THE RESIGNATION OF SENATOR THE HONOURABLE
ROBERT FRANCIS RAY

8 May 2008

*Held in accordance with the provisions of section 15 of the Commonwealth of Australia
Constitution Act*

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Thursday 8 May 2008

**TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE
RENDERED VACANT BY THE RESIGNATION OF SENATOR THE HONOURABLE
ROBERT FRANCIS RAY**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber in accordance
with the resolutions of the two Houses —*

- 1 The Honourable Jenny Lindell, MP, Speaker of the Legislative Assembly, took the Chair.
- 2 **PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT PLACE IN THE SENATE** — The Chair invited proposals from members of persons to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray.

The Honourable John Brumby MP, proposed Ms Jacinta Mary Ann Collins as the person to hold the vacant place. He also stated that she was willing to hold the vacant place, if chosen, and that he was in possession of advice that the nominee was the selection of the Australian Labor Party, the party previously represented in the Senate by Senator the Honourable Robert Francis Ray. The proposal was seconded by Mr Ted Baillieu MP.

The Chair asked if there were any further proposals and, there being no further proposals, declared that Ms Jacinta Mary Ann Collins, had been chosen to hold the place rendered vacant by the resignation of Senator the Honourable Robert Francis Ray.

The Chair declared the joint sitting closed.

W R TUNNECLIFFE
Clerk of the Legislative Council

R W PURDEY
Clerk of the Legislative Assembly



MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

**OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA**

TO CHOOSE A PERSON TO HOLD THE SEAT IN THE LEGISLATIVE
COUNCIL RENDERED VACANT BY THE RESIGNATION OF
EVAN THORNLEY MLC

3 February 2009

Held in accordance with the provisions of section 27A of the Constitution Act 1975

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Tuesday 3 February 2009

**TO CHOOSE A PERSON TO HOLD THE SEAT IN THE LEGISLATIVE
COUNCIL RENDERED VACANT BY THE RESIGNATION OF
MR EVAN THORNLEY MLC**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber in accordance
with the resolutions of the two Houses —*

- 1 **ELECTION OF CHAIR** — The Honourable John Brumby MP moved — That the Honourable Robert Smith MLC, President of the Legislative Council, be appointed Chair of this joint sitting. The motion was seconded by Mr Ted Baillieu MP.

As no other member was proposed, the Clerk declared the Honourable Robert Smith MLC had been duly elected Chair.

- 2 **RULES OF PROCEDURE** — The Chair announced that section 27A of the *Constitution Act 1975* provides that the joint sitting shall be conducted in accordance with rules adopted by members present at the sitting. Accordingly, the Honourable John Brumby MP submitted the following rules of procedure and moved — That these rules be the rules of procedure for this joint sitting —

Application of standing orders

- (1) In any matter of procedure not provided for in these rules of procedure, the standing orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

Relief of Chair

- (2) A Presiding Officer, the Deputy Speaker or the Deputy President will take the Chair as Acting Chair whenever requested so to do by the Chair without any formal communication.

Time limit on speeches

- (3) No member may speak for more than five minutes on any question.

Nominations

- (4) A member, addressing the Chair, may propose a person to occupy the vacant seat in the Legislative Council and any such proposal must be seconded. When a person is nominated, the proposer must state that such person is willing to accept nomination and whether the *Constitution Act 1975 s 27A(4)* applies. This process is repeated, if necessary, until there are no further nominations, at which point the Chair declares that nominations are closed.

Questions to be proposed

- (5) The Chair will put the question 'That [nominee] be chosen to occupy the vacant seat in the Legislative Council' in relation to the person first nominated. If that motion is not agreed to in accordance with *Constitution Act 1975 s 27A(7)*, the Chair will then put the question in relation to the next person nominated. This procedure will be repeated, as necessary, for any other nominees in the order in which they were nominated.

Entitlement to vote

- (6) On every question arising in a joint sitting each member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

Sitting and adjournment

- (7) A motion for the adjournment of the joint sitting may be moved by a minister and will be put immediately without amendment or debate.
- (8) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

Voting on questions

- (9) Questions, other than for the purpose of *Constitution Act 1975 s 27A(5)* will be decided by a simple majority of the members present and voting.
- (10) In the event of an equality of votes on a question, the question is taken to have been defeated.
- (11) After completion of the vote, the Chair will declare the person chosen to hold the vacant seat in the Legislative Council.
- (12) The Chair will advise the Governor of the name of the person chosen to fill the vacancy.

Divisions

- (13)
 - (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a member calling for a division.
 - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
 - (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
 - (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.
 - (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
 - (f) Votes may only be cast by members present in the Chamber and every member present must vote.

- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

Records of proceedings

- (14) The records of the proceedings and the ballot papers will be retained by the Clerk of the Parliaments who will destroy the ballot papers after one year.

Mr Ted Baillieu MP seconded the motion.

Question — put and agreed to. Mr Ingram asked that his dissent be recorded.

- 3 **PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT SEAT IN THE LEGISLATIVE COUNCIL** — The Chair invited proposals from members for a person to occupy the seat in the Legislative Council rendered vacant by the resignation of Mr Evan Thornley MLC.

The Honourable John Brumby MP proposed Ms Jennifer Huppert as the person to occupy the vacant seat. He also stated that she was willing to accept the appointment, if chosen, and that she was the selection of the Australian Labor Party, the party previously represented in the Legislative Council by Mr Evan Thornley MLC. The proposal was seconded by Mr Ted Baillieu MP.

The Chair asked if there were any further proposals and, there being no further proposals, declared nominations closed.

Question — That Ms Jennifer Huppert be chosen to occupy the seat rendered vacant by the resignation of Mr Evan Thornley MLC — put and agreed to.

The Chair declared the joint sitting closed.

W R TUNNECLIFFE
Clerk of the Legislative Council

R W PURDEY
Clerk of the Legislative Assembly

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MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

**OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA**

TO CHOOSE A PERSON TO HOLD THE SEAT IN THE LEGISLATIVE
COUNCIL RENDERED VACANT BY THE RESIGNATION OF
THE HONOURABLE THEO THEOPHANOUS MLC

9 March 2010

Held in accordance with the provisions of section 27A of the Constitution Act 1975

MINUTES OF THE PROCEEDINGS
of the
JOINT SITTING
held in the
LEGISLATIVE ASSEMBLY CHAMBER

Tuesday 9 March 2010

**TO CHOOSE A PERSON TO HOLD THE SEAT IN THE LEGISLATIVE
COUNCIL RENDERED VACANT BY THE RESIGNATION OF
THE HONOURABLE THEO THEOPHANOUS MLC**

*The Members of the Legislative Council and the Members of the Legislative
Assembly having assembled in the Legislative Assembly Chamber in accordance
with the resolutions of the two Houses —*

- 1 **ELECTION OF CHAIR** — The Honourable John Brumby MP moved — That the Honourable Jenny Lindell MP, Speaker of the Legislative Assembly, be appointed Chair of this joint sitting. The motion was seconded by Mr Ted Baillieu MP.

As no other member was proposed, the Clerk declared the Honourable Jenny Lindell MP had been duly elected Chair.

- 2 **RULES OF PROCEDURE** — The Chair announced that section 27A of the *Constitution Act 1975* provides that the joint sitting shall be conducted in accordance with rules adopted by members present at the sitting. Accordingly, the Honourable John Brumby MP submitted the following rules of procedure and moved — That these rules be the rules of procedure for this joint sitting —

Application of standing orders

- (1) In any matter of procedure not provided for in these rules of procedure, the standing orders of the Legislative Assembly, in force for the time being, will be followed as far as they can be applied.

Relief of Chair

- (2) A Presiding Officer, the Deputy Speaker or the Deputy President will take the Chair as Acting Chair whenever requested so to do by the Chair without any formal communication.

Time limit on speeches

- (3) No member may speak for more than five minutes on any question.

Nominations

- (4) A member, addressing the Chair, may propose a person to occupy the vacant seat in the Legislative Council and any such proposal must be seconded. When a person is nominated, the proposer must state that such person is willing to accept nomination and whether the *Constitution Act 1975* s 27A(4) applies. This process is repeated, if necessary, until there are no further nominations, at which point the Chair declares that nominations are closed.

Questions to be proposed

- (5) The Chair will put the question 'That [nominee] be chosen to occupy the vacant seat in the Legislative Council' in relation to the person first nominated. If that motion is not agreed to in accordance with *Constitution Act 1975* s 27A(7), the Chair will then put the question in relation to the next person nominated. This procedure will be repeated, as necessary, for any other nominees in the order in which they were nominated.

Entitlement to vote

- (6) On every question arising in a joint sitting each member of the Legislative Assembly and of the Legislative Council, including the Chair, will have one vote.

Sitting and adjournment

- (7) A motion for the adjournment of the joint sitting may be moved by a minister and will be put immediately without amendment or debate.
- (8) A motion for the purpose of fixing the next meeting of the joint sitting may be moved by a minister at any time provided that there is no question before the Chair.

Voting on questions

- (9) Questions, other than for the purpose of *Constitution Act 1975* s 27A(5) will be decided by a simple majority of the members present and voting.
- (10) In the event of an equality of votes on a question, the question is taken to have been defeated.
- (11) After completion of the vote, the Chair will declare the person chosen to hold the vacant seat in the Legislative Council.
- (12) The Chair will advise the Governor of the name of the person chosen to fill the vacancy.

Divisions

- (13) (a) Whenever the Chair states, on putting a question, that the 'ayes' or 'noes' (as the case may be) have it, the Chair's opinion may be challenged by a member calling for a division.
 - (b) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
 - (c) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
 - (d) When successive divisions are taken without any intervening debate, the Chair will direct that the bells be rung for one minute.

- (e) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (f) Votes may only be cast by members present in the Chamber and every member present must vote.
- (g) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the joint sitting.
- (h) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the joint sitting.

Records of proceedings

- (14) The records of the proceedings and the ballot papers will be retained by the Clerk of the Parliaments who will destroy the ballot papers after one year.

Mr Ted Baillieu MP seconded the motion.

Question — put and agreed to.

- 3 **PERSON PROPOSED AND CHOSEN TO HOLD THE VACANT SEAT IN THE LEGISLATIVE COUNCIL** — The Chair invited proposals from members for a person to occupy the seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Theophanous MLC.

The Honourable John Brumby MP proposed Mr Nathan Murphy as the person to occupy the vacant seat. He also stated that Mr Murphy was willing to accept the appointment, if chosen, and that he was the selection of the Australian Labor Party, the party previously represented in the Legislative Council by the Honourable Theo Theophanous MLC. The proposal was seconded by Mr Ted Baillieu MP.

The Chair asked if there were any further proposals and, there being no further proposals, declared nominations closed.

Question — That Mr Nathan Murphy be chosen to occupy the seat rendered vacant by the resignation of the Honourable Theo Theophanous MLC — put and agreed to.

The Chair declared the joint sitting closed.

W R TUNNECLIFFE
Clerk of the Legislative Council

R W PURDEY
Clerk of the Legislative Assembly